

tion of the Tyson-Fitzgerald bill, providing retirement for the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7040. Also, petition of United States Customs Inspectors' Association, port of New York, urging early vote and passage of the Lehlbach retirement bill, liberalizing the existing pension law; to the Committee on the Civil Service.

7041. Also, petition of Central Union Label Council of Greater New York, Brooklyn, N. Y., urging enactment of the Lehlbach retirement bill; to the Committee on the Civil Service.

7042. Also, petition of Central Union Label Council of Greater New York, Brooklyn, N. Y., indorsing the provisions of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7043. Also, petition of New York Branch, National Customs Service Association, urging favorable consideration of House bill 13143 (formerly H. R. 10644), known as the Bacharach bill, providing for increased compensation paid to customs employees; to the Committee on Ways and Means.

7044. By Mr. LINTHICUM: Petition of Strother, Brogden & Co., C. T. Williams & Co., and Equitable Trust Co., all of Baltimore, registering objections to Norris bill (S. 3151) to abolish United States district courts; to the Committee on the Judiciary.

7045. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing legislation providing for increases in pension for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

7046. By Mr. MURPHY: Petition of 120 citizens of Belmont County, urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7047. By Mr. O'CONNOR of New York: Resolution of the State Camp for Veterans of the State of New York, protesting against passage of House bill 12204, providing for the transfer of the State Camp for Veterans at Bath, N. Y., to the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

7048. By Mr. O'CONNELL: Petition of the New York Branch, United States Customs Employees Association, New York City, favoring the passage of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

7049. Also, petition of the Western Fruit Jobbers Association of America, Chicago, Ill., with reference to Mexican immigration restrictions; to the Committee on Immigration and Naturalization.

7050. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to the Muscle Shoals bill; to the Committee on Military Affairs.

7051. Also, petition of the Central Union Label Council of Greater New York, favoring the passage of the Kelly bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7052. Also, petition of Frederick Sykes, of the Williamson Candy Co., Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill, providing retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7053. Also, petition of Edwin Gould, of New York City, appealing for liberal treatment of budget for the Virgin Islands; to the Committee on Appropriations.

7054. Also, petition of the Carded Woolen Manufacturers' Association, Boston, Mass., favoring the passage of the Caraway bill (S. 1005) to regulate the work of the so-called lobbyists; to the Committee on the Judiciary.

7055. Also, petition of Central Union Label Council of Greater New York, favoring the passage of the Dale-Lehlbach Federal employees' retirement bills (S. 1727 and H. R. 25); to the Committee on the Civil Service.

7056. By Mr. QUAYLE: Petition of Central Union Label Council of Greater New York, favoring the passage of the Kelly postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7057. Also, petition of Pathé Exchange (Inc.), of New York, making certain recommendations for clauses to be incorporated in the pending copyright bill with reference to motion pictures; to the Committee on Patents.

7058. Also, petition of the American Agriculture Chemical Co., of New York City, protesting against Muscle Shoals resolution now before the Rules Committee; to the Committee on Rules.

7059. Also, petition of Williamson Candy Co., of Brooklyn, N. Y., favoring the passage of the Tyson-Fitzgerald bill providing retirement for the disabled emergency officers of the World War; to the Committee on Military Affairs.

7060. Also, petition of New York Branch National Customs Service Association, of New York, favoring the passage of the Bacharach bill (H. R. 10644) providing for salary increases for a large number of the customs employees; to the Committee on Ways and Means.

7061. Also, petition of the metal trades department, American Federation of Labor, Brooklyn, N. Y., favoring the passage of Senate bill 3685 and House bill 12032, to correct injustices suffered by the chief warrant officers of the Navy; to the Committee on Naval Affairs.

7062. Also, petition of Central Union Label Council of Greater New York, favoring the passage of the Lehlbach-Dale retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

7063. By Mr. SELVIG: Petition of W. G. Beck and 39 employees in the Postal Service, of Crookston, Minn., and neighboring towns, urging the passage of House bills 25 and 89; to the Committee on the Post Office and Post Roads.

7064. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana, Pa., in favor of immediate action on a bill to increase the rates of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7065. By Mr. SWICK: Petition of the congregation of the Slippery Rock Presbyterian Church, of Elwood City, Lawrence County, Pa., Rev. Paul H. Elliott, pastor, favoring the passage of House bill 78, known as the Lankford Sunday rest bill for the District of Columbia, or similar measures; to the Committee on the District of Columbia.

7066. By Mr. TAYLOR of Colorado: Petition from citizens of Carbondale, Colo., urging early action on legislation for increased pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7067. Also, petition from citizens of Meeker, Colo., urging early action on legislation for increased pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7068. By Mr. TILSON: Petition of residents of West Haven, Conn., in support of legislation increasing the rate of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7069. By Mr. TIMBERLAKE: Petition from residents of Fort Lupton and Boulder, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

7070. By Mr. UNDERWOOD: Petition of citizens of Billespieville, Ohio, favoring increase of pensions for Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

7071. By Mr. VINSON of Kentucky: Petition of veterans of the Civil War and widows of veterans, of Elkfork, Morgan County, Ky., for an increase of pension; to the Committee on Pensions.

7072. By Mr. WELCH of California: Petition containing 66 signatures, forwarded by the United States Employees' Association, favoring the passage of House bill 6518, to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

SENATE

SATURDAY, April 21, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McKellar	Simmons
Barkley	Glass	McLean	Smith
Bingham	Goff	McMaster	Smoot
Blaine	Gooding	McNary	Steiwer
Blease	Gould	Mayfield	Stephens
Borah	Greene	Metcalf	Swanson
Bratton	Hale	Moses	Thomas
Brookhart	Harris	Neely	Tydings
Broussard	Harrison	Norbeck	Tyson
Capper	Hawes	Norris	Vandenberg
Caraway	Hayden	Nye	Wagner
Copeland	Heflin	Oddie	Walsh, Mass.
Couzens	Howell	Overman	Walsh, Mont.
Curtis	Johnson	Pittman	Warren
Cutting	Jones	Ransdell	Waterman
Dale	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Fess	King	Sheppard	
Fletcher	La Follette	Shipstead	
Frazier	Locher	Shortridge	

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate because of illness.

Mr. HEFLIN. I wish to announce that my colleague the junior Senator from Alabama [Mr. BLACK] is necessarily detained from the Senate on public business.

Mr. WAGNER. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is detained from the Senate because of illness in his family.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

RELIEF OF UNEMPLOYMENT

Mr. VANDENBERG. Mr. President, I have here certain letters in the nature of petitions which I desire to lay before the Senate with a brief word of explanation.

The distinguished junior Senator from New York [Mr. WAGNER] yesterday discussed at length his proposal for the long-range planning of public works as a means to utilize the spending power of the Government when periods of economic depression need stimulating offset. Shorn of its self-serving political preliminaries, the Senator's economic philosophy greatly interests me. He will find it already embodied in the Jones bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression. He will find it also in the Kenyon bill as drawn by the distinguished former Senator from Iowa in the first session of the Sixty-seventh Congress. The Jones bill is now pending on the calendar. By all means it should be passed, so that the basic principle may be established. Subsequently, in my judgment, the principle should be extended.

It is my contention that when economic depression reaches a point where it is advisable to invoke this stimulus of extra public work we also have reached a point where such public work should be financed by a temporary diversion of a portion of the annual sinking fund rather than by increased taxation, which of itself would hurt rather than help in such an emergency. It is upon this point that I ask permission to have inserted in the Record certain excerpts from letters which I have received upon this subject.

The VICE PRESIDENT. Without objection, it is so ordered. The excerpts are as follows:

Excerpts from letter dated April 16, 1928, at Ann Arbor, Mich., and addressed to Senator VANDENBERG by Gardner S. Williams, of the American Engineering Council

I personally am prepared to indorse your proposition without reserve—namely, the temporary diversion of sinking funds to finance enhanced public works which are undertaken as an offset to emergency periods of unemployment and depression—and will submit it to the American Engineering Council, with whose view in the matter it is more in harmony than the text of the present bill.

It has been our thought that the execution of public works should be slowed down in times of prosperity and extended in times of cessation of industry without provision of a special fund, the adjustment being in the hands of those controlling the works. There are, of course, objections to the latter proposition, and I think that your suggestion accomplishes the same result as would ours.

Excerpts from letter to Senator VANDENBERG, dated April 17, 1928, at Framingham, Mass., by Henry S. Dennison

Your proposal is, it seems to me, highly practical. The psychology of it is obviously good, though, like all questions of psychology, it would be subject to the sometimes quick changes of background, to which, however, you, being on the ground, would be fully sensitive.

Considered from a purely economic viewpoint, the main question is whether public work undertaken during times of depression should be financed out of the next year's taxes or by borrowing. For, in economic effect, though not in psychological effect, to fall by a hundred million to increase the "sinking fund" for the retirement of public debt would be the same as to provide full "sinking fund" and borrow another hundred million. I feel certain that no categorical answer applicable to all times and conditions can be given to this question. It depends upon a judgment at a given moment as to whether it is better for the Government to compete, as it were, with business for the capital or income of the country. When interest rates are low and profits not too free, borrowing would be indicated, and that is, roughly, the state of affairs at the moment. During times of expansion, however, interest rates tend to be high and profits good. Then it is better to tax. Of course, some other considerations enter, but this, I think, is the bald, primary statement of the case.

Since the record of the past has shown that periods of unemployment may come in almost any state of the money market, and since profits are likely to be on the low side during such periods, and especially since, whatever the previous state of the money market, there is a tendency toward low interest rates during times of depression, it follows that to take extra public works out of Government borrowing rather than out of taxes will more often be wise. If, however, it is found better actually to set aside funds to be drawn upon during times of depression, then those funds could be accumu-

lated in either way that at the time of their accumulation best suited business conditions.

To sum up, then, I think your proposition is economically sound in almost all likely situations, and, in the situation of the moment, is decidedly wise, both economically and psychologically. You will, however, I am sure, be prepared to meet the superficial objections which were thrown at the similar proposition in Great Britain and served temporarily to defeat it, to wit, that borrowing to "make work" was like paper-money financing—unsound and dangerous. The point lies, of course, in the assumption that the work itself will be unsound; but in such a case it is just as bad to tax to get the funds as it is to borrow, and unsound public work is even worse in times of prosperity; bad in either case. This superficial argument depends upon the fear that the legislating bodies will be carried away by sentiment.

Excerpt from letter to Senator VANDENBERG dated April 13 at Philadelphia, Pa., from ex-Senator George Wharton Pepper

I can not think of any objection that is sound in theory to the proposal that you make respecting the suspension of payment into the sinking fund simultaneously with and to an extent equal to emergency appropriations to avert unemployment. I agree with you that it is economically sound to say that when we are making emergency appropriations for such a purpose we are not in shape to indulge in the luxury or debt reduction. I am quite sure that all of us who have been interested in this legislation would heartily approve of a modification of the bill on the lines which you suggest if this were to prove satisfactory to Secretary Mellon and Senator JONES.

Excerpt from letter to Senator VANDENBERG written April 20, 1928, at New York City, by John B. Andrews, secretary of the American Association for Labor Legislation

I do not think your suggestion is visionary. On the contrary, I believe it is economically sound and, subject to the everlasting necessity of also being "expedient" in legislation, it is worthy of the most serious consideration whenever this question of financing the long-range planning of public works is up for discussion. We want the principle adopted now without fail, and any incidental improvement is highly desirable where practicable.

A large number of thoughtful citizens look upon this (the Jones bill) as a reasonable measure of preparedness which we may reasonably expect to be taken at this session of Congress as one important step in the constructive program for dealing with some future period of industrial depression.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

- S. 1736. An act for the relief of Charles Caudwell;
- S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon;
- S. 1758. An act for the relief of Fred A. Knauf; and
- S. 1771. An act for the relief of Peter S. Kelly.

The message also announced that the House had passed the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in airplane accident, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3325) for the relief of Horace G. Knowles, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;
- H. R. 548. An act for the relief of Fayette L. Froemke;
- H. R. 851. An act for the relief of Alfred Chapleau;
- H. R. 1406. An act granting six months' pay to Lucy B. Knox;
- H. R. 2477. An act for the relief of Joseph S. Carroll;
- H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;
- H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;
- H. R. 3721. An act for the relief of Arthur L. Hecykell;
- H. R. 3936. An act for the relief of M. M. Edwards;
- H. R. 3954. An act to reimburse Dr. Philip Suriani;
- H. R. 4014. An act for the relief of Kenneth M. Orr;
- H. R. 4029. An act for the relief of Maude A. Sanger;
- H. R. 4066. An act to place John P. Holland on the retired list of the United States Navy;
- H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, 1917;

H. R. 4108. An act to correct the military record of Alfred G. V. Meldahl;

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 4302. An act for the relief of Russell H. Lindsay;

H. R. 4357. An act for the relief of William Childers;

H. R. 4396. An act for the relief of Jesse R. Shivers;

H. R. 4605. An act authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason;

H. R. 4766. An act for the relief of Charles James Anderson, former commander, United States Naval Reserve Force;

H. R. 4767. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 4931. An act for the relief of Frederick D. W. Baldwin;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 5322. An act for the relief of John P. Stafford;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);

H. R. 5953. An act for the relief of E. L. F. Auffurth and others;

H. R. 6195. An act granting six months' pay to Constance D. Lathrop;

H. R. 6842. An act for the relief of Joseph F. Friend;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 7397. An act authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 7496. An act for the relief of Kenneth A. Rotharmel;

H. R. 7895. An act for the relief of the Lagrange Grocery Co.;

H. R. 7897. An act to ratify the action of the local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;

H. R. 7926. An act to place a retired officer of the Army on the retired list as a major general;

H. R. 8474. An act for the relief of Elmer J. Nead;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8808. An act for the relief of Charles R. Wareham;

H. R. 8809. An act for the relief of George W. Burgess;

H. R. 8888. An act for the relief of Jose Francisco Rivas;

H. R. 9017. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 9149. An act for the relief of Maj. Chauncey S. McNeill;

H. R. 9161. An act authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032;

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker;

H. R. 10042. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes;

H. R. 10067. An act for the relief of Marion Banta;

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;

H. R. 11014. An act for the relief of Don C. Fees;

H. R. 11094. An act to correct the military record of William Estes;

H. R. 11107. An act for the relief of William H. Estabrook;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11960. An act for the relief of D. George Shorten; and
H. R. 12311. An act to provide for the payment of compensation to William J. Tilson.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; and

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry.

PETITION

Mr. BROOKHART presented the petition of Dr. John H. Davis and sundry other citizens of Sioux City, Iowa, praying for the adoption of the so-called Robinson amendment to House bill 1, the tax reduction bill, relative to traveling expenses of physicians and dentists in connection with their attendance upon professional meetings, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 857) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia (Rept. No. 858); and

A bill (S. 3903) to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia (Rept. No. 859).

Mr. COPELAND, from the Committee on Appropriations, to which was referred the bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol, reported it with an amendment and submitted a report (No. 860) thereon.

Mr. STEIWER, from the Committee on Indian Affairs, to which was referred the bill (S. 2139) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon, reported it without amendment and submitted a report (No. 861) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926, reported it with amendments and submitted a report (No. 862) thereon.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (S. 2538) for the construction of a road across the Makah Reservation to Neah Bay, Wash., reported it with an amendment and submitted a report (No. 864) thereon.

ST. CLAIR RIVER, PORT HURON, MICH.

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11404) authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich., and I submit a report (No. 856) thereon. I call the attention of the Senator from Michigan [Mr. VANDENBERG] to the report.

Mr. VANDENBERG. Mr. President, the bill has the unanimous approval of the House of Representatives, of the Senate Commerce Committee, of all the departments involved, and relates to a bridge over the St. Clair River. The element of time is exceedingly vital. Therefore, I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce and improve the Postal Service the Port Huron, Sarnia, Point Edward International Bridge Co., a Michigan corporation, hereinafter referred to as the company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the St. Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, between a point at or near the city of Port Huron, St. Clair County, State of Michigan, and a point at or near the city of Sarnia, Province of Ontario, Dominion of Canada, in accordance with the provisions of the act entitled "An act to regulate the construc-

tion of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and in so far as the company, its successors or assigns, may act in the Dominion of Canada, subject also to the approval of the proper authorities thereof.

SEC. 2. There is hereby conferred upon the said company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. Such bridge shall be constructed in accordance with the standard specifications adopted by the American Association of State Highway Officials. During the construction of such bridge all work thereon shall be subject to inspection and approval by the State Highway Department of Michigan.

SEC. 5. The said company, its successors and assigns, shall not encumber said bridge by the issue of stocks, bonds, notes, mortgages, debentures, or other evidences of indebtedness in an amount which, including all previous encumbrances whether retired or still outstanding, shall at any time exceed in the aggregate the cost as reported to and determined by the Secretary of War in accordance with section 8 hereof. Not less than two-thirds of all encumbrances or securities other than preferred stock issued against said bridge shall be first mortgage bonds, and not more than one-third may be debentures. None of said bonds issued against said bridge shall be sold for less than 92 per cent of their par value nor bear interest at a fixed rate in excess of 6½ per cent per annum. None of said debentures issued against said bridge shall be sold for less than 90 per cent of their par value nor bear interest at a fixed rate in excess of 7 per cent per annum. Any preferred stock issued shall be at par plus accrued dividend, shall represent value, and shall be entitled to cumulative dividends at not to exceed 7 per cent per annum.

SEC. 6. The proceeds from tolls charged for the use of such bridge shall be used: First, to pay the maintenance, repair, and operation costs; second, to pay dividends or interest on outstanding preferred stocks, bonds, notes, mortgages, debentures, or other obligations issued by the company, its successors and assigns; and, third, 20 per cent of any funds then remaining shall be retained for corporate uses by the said company, its successors and assigns, and the other 80 per cent thereof shall be applied by said company, its successors and assigns, in the purchase and retirement in accordance with section 5 hereof of said bonds, debentures, preferred stock, or other outstanding obligations legally incurred against said bridge. At the close of the fiscal year when all bonds, debentures, preferred stock, or other obligations legally incurred against said bridge shall have been retired in accordance herewith such bridge and the approaches thereto and all structures, property, property rights, and franchises, so far as the same are located within the United States, shall be conveyed by the said company, its successors and assigns, without cost or expense, to the State of Michigan or to such municipality or agency of the State of Michigan as the legislature of said State may designate, and so far as the same is situated within the Dominion of Canada shall be conveyed, without cost or expense, to the Dominion of Canada or to such Province, municipality, or agency thereof as the Dominion of Canada may designate, and all right, title, and interest of said company, its successors and assigns, therein shall then cease and determine. After said outstanding obligations of the company have been retired, said 80 per cent of the net earnings shall be held by the company and half thereof shall be turned over to the State of Michigan, or its designated municipality or agency, and half to the Dominion of Canada, or its designated municipality or agency, at the same time as the bridge is turned over. The rates of toll, if any, shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. If said bridge shall not have become the property of the State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, in accordance with the provisions of this section, within 20 years after the date that it is completed and formally opened to traffic, the said State of Michigan and the Dominion of Canada, or such agencies as may be authorized by them, shall have the additional right at any time thereafter to acquire said bridge by purchase and retirement, at par plus accrued interest or dividends, of the legally authorized obligations then outstanding against same.

SEC. 7. The said company, its successors and assigns, shall keep an accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the bridge, the

daily traffic, and the tolls collected, and shall annually submit to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario a sworn itemized statement showing the traffic, the tolls collected, the maintenance, repair, and operation costs, the net earnings, interest, and dividend payments, and the stock, bonds, notes, mortgages, debentures, or other obligations retired during the preceding fiscal year. The State Highway Department of Michigan and the Department of Public Highways of Ontario shall have access at any time to all records, files, and books of the said company, its successors and assigns. The mayor of the city of Port Huron, State of Michigan, and the mayor of the city of Sarnia, Province of Ontario, Dominion of Canada, ex officio, shall be entitled to receive notice of and attend meetings of the board of directors of any company or corporation now existing or hereafter organized and having the control and operation of said bridge.

SEC. 8. The said company, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Michigan a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches; the actual cost of acquiring any interest in real or other property; interest during construction; and the actual financing costs, not to exceed 10 per cent of the total of said items. The Secretary of War may, and upon request of the Highway Department of the State of Michigan shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy of the costs alleged in the statement of costs so filed, and shall make a finding of the actual costs of constructing and financing such bridge; for the purpose of such investigation the said company, its successors and assigns, shall make available all of its records in connection with the construction and financing thereof. The findings of the Secretary of War as to the costs of the construction and financing of the bridge shall be conclusive for all purposes mentioned in this act, subject only to review in a court of equity for fraud or gross mistake. A report of the maintenance, repair, and operation costs of said bridge shall be submitted by the said company, its successors and assigns, at the end of each six-month period to the State Highway Department of Michigan and to the Department of Public Highways of the Province of Ontario, Dominion of Canada. If any class of expenditures therein is disapproved by said highway departments, or either of them, such class of expenditures shall not thereafter, without approval, be an obligation payable out of the proceeds of tolls collected for the use of such bridge. Reconstruction or betterment costs in excess of \$10,000 in any fiscal year must be submitted to and be approved as necessary and reasonable by the State Highway Department of Michigan and the Department of Public Highways of the Province of Ontario prior to incurring the expenditures therefor, and all betterment and reconstruction costs, duly approved if such approval is required, and actually made may be added to the cost of the bridge, as determined by the Secretary of War in accordance with the provisions of this section, and in order to meet the cost thereof additional obligations or encumbrances not in excess of the amount approved for such reconstruction and betterments actually made plus necessary financing costs, not exceeding 10 per cent, may be issued against said bridge.

SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same, subject to the terms and conditions of this act, as fully as though conferred herein directly upon such corporation or person.

SEC. 10. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMISSION OF ESTATE TAX ON ESTATE OF JOHN SEALY

MR. THOMAS. From the Committee on Finance I report back favorably without amendment the bill (S. 4166) to remit estate tax on the estate of John Sealy, and I submit a report (No. 863) thereon. I will say that the bill, I think, will occasion no discussion, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McNARY in the chair). The bill will be read for the information of the Senate.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to remit the tax imposed by Title III of the revenue act of 1924, as amended, upon the transfer of the net estate of John Sealy, late a resident of Galveston, Tex., who died on February 19, 1926.

MR. JONES. I ask the Senator from Oklahoma if the bill has been reported unanimously by the committee?

MR. KING. What is the nature of the bill?

Mr. THOMAS. It is to remit the tax on a charitable donation given by Mr. John Sealy to a hospital in Galveston, Tex.

Mr. JONES. Is it a unanimous report of the committee?

Mr. THOMAS. It is.

Mr. JONES. How much does it involve?

Mr. THOMAS. The facts are that a bequest to a hospital was made by Mr. Sealy, who died 12 days before the tax law of 1926 became effective. Because of that fact his bequest will be taxed under the 1924 tax law.

Mr. JONES. I notice that the chairman of the Committee on Finance [Mr. Smoot] is present, so I will not make any objection to the consideration of the bill.

Mr. HALE. Mr. President, I do not understand that the consideration of this bill will in any way displace the naval appropriation bill?

The PRESIDING OFFICER. Not at all.

Mr. SMOOT. If the consideration of this bill shall in any way interfere with the naval appropriation bill, we shall ask that it go to the calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 4169) granting a pension to James V. Latham; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4170) to authorize plans for a hospital at the Home for Aged and Infirm in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NYE:

A bill (S. 4171) to establish the Roosevelt National Park in North Dakota;

A bill (S. 4172) to establish the Killdeer Mountain National Park in the State of North Dakota, and for other purposes; and

A bill (S. 4173) to transfer jurisdiction over certain national military parks and national monuments from the War Department to the Department of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 4174) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOWELL:

A bill (S. 4175) to amend the Federal farm loan act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHORTRIDGE:

A bill (S. 4176) for the relief of Henry J. Ford; to the Committee on Naval Affairs.

A bill (S. 4177) for the relief of the next of kin of Herbert Myers; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 4178) granting an increase of pension to Augusta Berg (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CARAWAY (for Mr. ROBINSON of Arkansas):

A bill (S. 4180) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion at Little Rock, Ark.; to the Committee on Naval Affairs.

A bill (S. 4181) granting a pension to James R. Brown; and

A bill (S. 4182) granting a pension to Ella True; to the Committee on Pensions.

By Mr. CURTIS (for Mr. DENEEN):

A bill (S. 4183) authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922; to the Committee on the Judiciary.

By Mr. NEELY:

A bill (S. 4184) granting an increase of pension to Mary E. Hawkins; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 4185) granting an increase of pension to Emma J. Jarvis (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4186) to regulate the use of spray painting compressed air machines, and for other purposes; to the Committee on Education and Labor.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 13, 1928:

S. 1628. An act relating to the Office of Public Buildings and Public Parks of the National Capital.

On April 14, 1928:

S. 3435. An act to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 10042. An act to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926; to the Committee on Public Buildings and Grounds.

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson; to the Committee on the Judiciary.

H. R. 332. An act validating homestead entry of Englehard Sperstad for certain public land in Alaska;

H. R. 9612. An act authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032; and

H. R. 9789. An act for the relief of Sallie E. McQueen and Janie McQueen Parker; to the Committee on Public Lands and Surveys.

H. R. 548. An act for the relief of Fayette L. Froemke;

H. R. 1406. An act granting six months' pay to Lucy B. Knox;

H. R. 2477. An act for the relief of Joseph S. Carroll;

H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;

H. R. 3721. An act for the relief of Arthur L. Hecykell;

H. R. 4014. An act for the relief of Kenneth M. Orr;

H. R. 4066. An act to place John P. Holland on the retired list of the United States Navy;

H. R. 4302. An act for the relief of Russell H. Lindsay;

H. R. 4766. An act for the relief of Charles James Anderson, former commander, United States Naval Reserve Force;

H. R. 4767. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 4931. An act for the relief of Frederick D. W. Baldwin; and

H. R. 6195. An act granting six months' pay to Constance D. Lathrop; to the Committee on Naval Affairs.

H. R. 851. An act for the relief of Alfred Chapleau;

H. R. 4108. An act to correct the military record of Alfred G. V. Meldahl;

H. R. 4605. An act authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 7397. An act authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 7926. An act to place a retired officer of the Army on the retired list as a major general;

H. R. 9017. An act to reinstate Joe Burton Coursey in the West Point Military Academy;

H. R. 9149. An act for the relief of Maj. Chauncey S. McNeill;
 H. R. 9161. An act authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army;
 H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;
 H. R. 11094. An act to correct the military record of William Estes; and
 H. R. 11107. An act for the relief of William H. Estabrook; to the Committee on Military Affairs.
 H. R. 3372. An act for the relief of George M. Browder and F. N. Browder;
 H. R. 3936. An act for the relief of M. M. Edwards;
 H. R. 3954. An act to reimburse Dr. Philip Surlani;
 H. R. 4029. An act for the relief of Maude A. Sanger;
 H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917;
 H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
 H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;
 H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;
 H. R. 4357. An act for the relief of William Childers;
 H. R. 4396. An act for the relief of Jesse R. Shivers;
 H. R. 5322. An act for the relief of John P. Stafford;
 H. R. 5341. An act for the relief of the Staunton Brick Co.;
 H. R. 5935. An act for the relief of the McAteer Shipbuilding Co. (Inc.);
 H. R. 5953. An act for the relief of E. L. F. Auffurth and others;
 H. R. 6842. An act for the relief of Joseph F. Friend;
 H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;
 H. R. 7496. An act for the relief of Kenneth A. Rotharmel;
 H. R. 7895. An act for the relief of the Lagrange Grocery Co.;
 H. R. 7897. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.;
 H. R. 8474. An act for the relief of Elmer J. Nead;
 H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;
 H. R. 8808. An act for the relief of Charles R. Wareham;
 H. R. 8809. An act for the relief of George W. Burgess;
 H. R. 8888. An act for the relief of Jose Francisco Rivas;
 H. R. 10067. An act for the relief of Marion Banta;
 H. R. 11014. An act for the relief of Don C. Fees; and
 H. R. 11960. An act for the relief of D. George Shorten; to the Committee on Claims.

BOULDER DAM

Mr. JOHNSON. Mr. President, I ask unanimous consent that there may be inserted in the RECORD an editorial from this morning's Washington Herald entitled "How Power Trust uses newspapers."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW POWER TRUST USES NEWSPAPERS

It is pretty to watch how the Power Trust gets hold of newspapers and uses them to block congressional action on Boulder Dam.

The Chicago Tribune, one of the leading newspapers of the country, is an illustration, brought out in the current investigation of the "electric-power industry," by the Federal Trade Commission.

On January 27, 1927, a rush telegram was sent out from New York to mobilize public opinion against the Boulder Dam bill, whose passage was then threatening.

The telegram was signed by George Oxley, publicity director of the National Electric Light Association, then the propaganda organization of the private power interests in the United States.

The telegram was received by many local publicity directors in the country, among them B. J. Mullaney, of Chicago, chairman of the Illinois Committee on Public-Utility Information.

On January 27, the same day, Mullaney instructed his assistant, McGregor, to get busy. The instructions ended:

"Perhaps Harper Leech can be interested. Perhaps some of the financial editors or reporters can be interested and then helped to get an interview out of some prominent citizen, banker, or otherwise, from the viewpoint of keeping the Government out of business."

Harper Leech was and is a feature writer on the Chicago Tribune. Well, they got Harper Leech interested. He is still interested and writing against Boulder Dam with material the private power people are furnishing him.

That is made quite clear in a letter written on March 21, 1928, less than a month ago, from McGregor to Maj. J. S. F. Richardson, of the Joint Committee of National Utility Associations, 420 Lexington Avenue, New York. Major Richardson's committee has replaced the National Electric Light Association as the official power company propaganda organization to fight Boulder Dam. McGregor writes:

MARCH 21, 1928.

DEAR MAJOR RICHARDSON: Harper Leech, of the Chicago Tribune (he who wrote as "Scrutator"), is working on a series of articles about the electric light and power industry and is obtaining quite a bit of data through this office.

Now he is on the track of Boulder Dam. He wants to know if the construction of Boulder Dam in accordance with the Swing-Johnson bill would back the water up over any other feasible dam sites for a power supply.

Also he has an idea—from some information he has obtained—that the whole Boulder Dam is a Los Angeles real-estate promotion affair. He would like to have any data that might be had to back up that theory.

I'll appreciate it if you'll have some one wire me to-morrow (Thursday), if possible, the answer to the first question, and let me know if you can send me any data to support the real-estate promotion idea.

Also, what is the latest developments, theories, etc., concerning the proposition—material that might help him.

Best wishes.

Sincerely,

R. R. MCGREGOR.

Did they get the information to Mr. Leech?

Well, the Chicago Tribune of April 5, 1928, presents Mr. Leech's article with the foreword:

"The Tribune presents a second article on the Boulder Dam, the giant water development project which is causing a hard fight in Congress."

The meat of the Leech story is in its headline: "Great clamor for a United States built Boulder Dam. Los Angeles real-estate boom awaits." The final paragraph of Mr. Leech's article reads:

"But no matter what the ultimate problems would be, the psychological effect of a Federal authorization and appropriation for Boulder Dam would be certain. A great boom in real-estate values not only in the Los Angeles region but in all of the area affected by the project would start as soon as the President signed the bill. They know a boom when they see one in the Southwest, and they can see one a long way off."

The Chicago Tribune editorial writer picked up Mr. Leech's contention that Boulder Dam was a Los Angeles real-estate proposition, and in the newspaper's lead editorial of April 16 he wrote:

"We are persuaded that the Boulder Dam proposal should be defeated. The expenditure of \$125,000,000 of the taxpayers' money, primarily for the benefit of real-estate speculators, would be worse than unwise. It would be a scandal as odious as Teapot Dome."

We do not believe that the Chicago Tribune, or its eminent editors, knew that the paper was being used by the private power companies to play their game.

We believe that the resentment of the public should be turned merely against the insidious methods of the Power Trust organization, intent upon diverting newspapers from their proper function of protecting the public, and, instead, making them the mouthpieces of private monopoly.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The word "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing de jure or de facto.

Mr. FRAZIER. Mr. President, the amendment offered by the junior Senator from Wisconsin [Mr. BLAINE] to the naval appropriation bill, having to do with the marines in Nicaragua, has attracted much attention and brought about much debate. The senior Senator from Idaho [Mr. BORAH] admitted that mistakes had been made undoubtedly, probably based upon misinformation which had been given to the State Department and the executive department. I think that is undoubtedly true.

The Senator from New Jersey [Mr. EDGE] also in his remarks yesterday admitted that blunders had been made in regard to the attitude of our administration, or at least its action, with reference to the marines in Nicaragua. He especially thought that a blunder had been made in withdrawing the marines from Nicaragua some months ago because, he said, a revolution was started after that withdrawal.

Looking at the situation from the outside, it seems as if the withdrawal of the marines, if it was a blunder, was based upon misinformation given by some of the financial interests of Wall Street, because it turned out apparently to their advantage. I am not accusing the administration of being connected in any way or working in combination with the Wall Street interests, but it seemed to work out that way. There was an assistant in the State Department who had been an employee of one of the big Wall Street firms, who afterwards left the employ of the State Department and went back to the New York firm after some deals were put across for the benefit of the big New York financial interests.

The revolution which took place in Nicaragua while the marines were out would indicate that the Liberals seemed to be getting the advantage and were gaining pretty rapidly. Of course, after deals were made which gave some of the financial interests in this country practical control of the railroads and banking and power interests of Nicaragua, it was time again to send the marines in to stop the revolution and protect the Government under President Diaz, which everyone seems to admit was absolutely without any authority, at least legal authority, until he was recognized by the United States and the marines were sent down there to protect him.

In view of all the mixed-up situation we have gotten into through our attempts to protect property by means of our soldiers and marines, it seems to me that the logical way out of the whole difficulty might be to outlaw the whole war proposition.

It was admitted here on yesterday by the Senator from New Jersey [Mr. EDGE] that we are in a state of war with Nicaragua to-day. I think there is no doubt about that. Although Congress has never authorized it, yet there seems to be a state of war, and, as the Senator from Idaho [Mr. BORAH] so ably set forth a couple of days ago, it would seem almost impracticable and impossible to withdraw the marines from Nicaragua at the present time because of conditions existing there, which, the chances are, if the marines were withdrawn, would go from bad to worse. So I suppose the marines will have to be left in Nicaragua at least until after the election in that country shall have been held. Notwithstanding that, I believe the amendment of the Senator from Wisconsin [Mr. BLAINE] is a good one, and that it should be adopted.

It occurs to me, however, that the thing to do, the step to take, in order to avoid future trouble of this kind is to prevent all war and, if possible, to make war legally impossible. So I want to address the Senate on Senate Joint Resolution 1, which provides for the outlawing of all war. Judging from the communications I have received from practically every State in the Union in reference to the joint resolution, I believe that the great majority of the people to-day, if they were given an opportunity to vote on the subject, would vote for outlawing war, to make war impossible; and if Congress is willing to give the people a chance to express themselves, through their State legislatures and otherwise, upon this important question, I think there can be no doubt that the outcome will be the adoption of the amendment to the Constitution of the United States which is proposed by the joint resolution.

Mr. President, the amendment to the Constitution proposed by Senate Joint Resolution 1 would make it legally impossible for the United States to commit the greatest crime known to man. It would outlaw war.

I believe in the proposed amendment to our Constitution because I do not want to be a party to the crime of war; because I am unwilling that the Nation to which I belong, for which I am in part responsible, shall ever again commit that crime.

No compromise is possible. We must either outlaw war and take the consequences, whatever they may be, or be ready for the next war and take the consequences, whatever they may be. There is no middle ground. It has been aptly said that—
either civilization must destroy war or war will destroy civilization.

I am for the outlawing of war, believing that is the humane way of safety and sanity. It is the only way which can be taken by those who see in war a denial of Christianity and civilization, a denial of the survival of all that gives value to the work of men and of nations.

We have talked peace, but we have not repudiated war. We entered and fought a war to end war and then began to prepare at once for the "next war." We have made gestures of good will and killed Nicaraguans. We have gone to disarmament conferences and talked about the size of battleships and the elevation of guns. Colonel Lindbergh has been our envoy of international friendship, yet the very boys who seek to emulate him are being forced to take military training in our schools and colleges so that, whenever friendship fails, killing can begin.

This is both inconsistent and hypocritical, and unworthy of the American people. There is neither principle nor common sense in such a mixture.

The proposed amendment is a definite, uncompromising repudiation of war by the United States. It makes war an outlaw, depriving it, the enemy of law, of all legal sanction and prestige, of all the protection and support which our Constitution now gives it.

The amendment provides that war for any purpose shall be illegal; that it shall be illegal to prepare for war or spend money for war. It eliminates all powers of war from the Constitution. The Women's Peace Union proposed this amendment. They are honestly in favor of it and have the courage of their conviction to back it. They are using their political power to oppose the crime of war, to conserve life, and to promote the cause of civilization.

I have had letters and telegrams from men and women all over the Nation favoring this amendment. But, as in all reform movements, some scoff, scorn, and oppose.

A New York woman, opposing the amendment, wrote as follows:

I received to-day from a friend in Washington a newspaper clipping which reports a resolution put forward by you for a constitutional amendment under which the United States would be prohibited from preparing for or engaging in offensive or defensive war. I can not believe any man could be elected to your high office who entertains such treasonable sentiments, and no intelligent or patriotic American can view such a resolution otherwise.

To this lady I replied:

I am at a loss to know what the newspaper clipping to which you refer could have contained in order that you should make such rash statements as you have in your letter.

The resolution I introduced was for an amendment to outlaw war, and it seems to me that any good, Christian woman must be in favor of a measure of this kind. Zona Gale said: "When any body politic in all the world will say quietly through its lawmakers, 'We are done with every form of militarism in our State,' I am assured that this will be, not the shot, but the voice, heard around the world," which I believe is true.

In contrast with the letter from New York was one received from a citizen of North Dakota. It reads:

Listening to a sermon yesterday, my attention was called to a bill before Congress whereby the Navy is to receive a vast sum of public money for the next 10 years for the building of battleships.

Arms never mean peace, and I am opposed to any war, and I think the congregation yesterday, judging from the remarks after the sermon, were unanimously with the preacher for the prevention of all wars.

In view of our enormous public debt and the necessity of more hospitals, I think that the people who pay the taxes and do the dying and the mourning should be entitled to be heard from before this apparently mad policy is fixed.

These letters express two very usual attitudes toward war. To the lady who denounces this resolution war is apparently almost a sacred institution, her highest ideal of patriotism. To her, loyalty to our country and belief in the war system are synonymous. Anyone who says we can and should outlaw war is to her a traitor. She represents the established order, which does not explain or justify itself, yet threatens anyone who has other standards and ideas. This type of men and women are, in my opinion, the chief obstacle to a clear understanding of war and to the immediate repudiation of it, which understanding will produce.

The writer of the other letter is realistic, seeing in war death, sorrow, and the expenditure of vast sums of money which are needed for beneficent purposes and for the payment of war debts we already have. I agree with this correspondent not only in opposing all war but also in believing that armies and navies do not bring peace.

Our War Department, in Document No. 499, gave these war strengths for 1911—that is, the soldiers and the reserves fully trained:

Of France, 2,988,136; of Germany, 4,713,366; of Austria, 2,059,954; of Russia, 4,689,409; of England, 366,190; and of Italy, 1,586,270.

Did these armies stand for peace or protection? The World War demonstrated that they brought anything but peace, and the protection was, to say the least, far from perfect. It is also my belief that before any further war preparations are authorized the "people who do the dying, mourning, and paying" should have an opportunity to decide whether or not they wish to sanction war or peace, whether or not they wish to maintain armed forces or to abolish them and outlaw war.

The war powers now possessed by our Government were written into the Constitution 141 years ago. No one alive now has had any voice or vote concerning them. Since 1787 much advancement has admittedly been made, manhood suffrage has been extended, slavery has been abolished, women have secured their political freedom. But on this most vital matter the people have had no chance to express themselves. I wonder how many of our citizens to-day would agree with the statement of George Mason, in the Virginia convention, called for the ratification of the Constitution. He said:

I abominate and detest the idea of a government where there is a standing army. * * * When a standing army is established in any country the people lose their liberty. (Elliott's Debates, p. 379, Vol. III.)

And with Madison, who said at the same convention:

Mr. Chairman, I most cordially agree with the honorable gentleman last up that a standing army is one of the greatest mischiefs that can possibly happen. * * * (Ibid., p. 381, Vol. III.)

We have had, and we now have, the standing army many of our forefathers feared. We have had the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the late World War; and in addition an almost unbroken line of military expeditions and undertakings from 1789 to the present year, when our marines have been employed in Haiti, Nicaragua, China, the Philippines, and wherever else they have been sent, even without the authorization of Congress or the consent of the people. I have many clippings which tell something of the death and destruction our armed forces have caused in China and Nicaragua in 1927-28, and the recent statements from the Secretary of the Navy give 21 of our marines killed and died of wounds, and 202 natives killed in Nicaragua in the past year. I am not proud of these figures, Mr. President. It seems to be popular at present to speak of our soldiers and marines as though they were welfare workers, engaged in philanthropic missions here and there about the world. If that were really the object, Mr. President, we might better send the Salvation Army, for their record for welfare work is vastly better than that of our war forces.

O Mr. President, I am not in any way blaming the soldiers and marines. Oh, no; they are not to blame. "Their's not to reason why; their's but to do and die." The blame is ours, here in the Senate and the other branch of the Congress. We have the power to regulate these conditions and to change our methods, so that never again shall an agent of ours kill people in the name of the United States, thereby inviting hatred and violence from others.

Let us not be deceived. The purpose of armed forces is to kill, wound, to maim, to destroy. I quote from the official training regulations of the United States Government:

The fighting instinct of the individual soldier must be developed to its highest point by the instructor. (Training Regulations, No. 50-25, War Department, Washington, January 2, 1926, p. 1.)

The point of the bayonet should be directed against the opponent's throat, especially in hand-to-hand fighting, so that the point will enter easily and make a fatal wound on penetrating a few inches. Other vulnerable and frequently exposed parts are the face, chest, lower abdomen, thighs, and, when the back is turned, the kidneys. The armpit, which may be reached with a jab, if the throat is protected, is vulnerable because it contains large blood vessels and a nerve center.

Four to six inches penetration is enough to incapacitate and allow a quick withdrawal, whereas if a bayonet is driven home too far it is often impossible to withdraw it. In such cases, a round must be fired to break up the obstruction. (Ibid. p. 5.)

In many instances, a kick to kneecap or crotch will aid the butt stroke. A butt stroke or kick will only temporarily disable an enemy, and it should be clearly understood that the butt must not be employed when it is possible to use the point of the bayonet effectively. (Ibid. p. 22.)

There is a lot more in these training regulations to show how war maiming and killing can best be done, the rewards

going to those most skilled in the job, as the next quotation shows:

* * * to each officer and enlisted man qualifying for the first time as bayonet expert, insignia indicating their skill with the bayonet will be issued. (Ibid., p. 43.)

Not much philanthropy or Christianity about that. Are we proud of teaching this to our boys and sending them out in the world to practice it?

Col. Charles Erskine Wood, of California, a West Point graduate of 1874, who saw 10 years of active service, in commenting upon these instructions at the hearing on this amendment last winter, said:

Now, the art of war, if it is an art, has changed very greatly since I left West Point and was engaged in slaughtering Indians * * * we did not have such things as poison gas, and my instruction in the use of the bayonet was always to spare your man if he was down and wanted quarter, and we were not told to seek out his kidneys if he lay on his belly and seek out his heart if he lay on his back. (Sixty-ninth Cong., 2d sess., hearing before subcommittee of Senate Committee on the Judiciary, constitutional amendment making war legally impossible. January 22, 1927, Government Printing Office, Washington, D. C.)

Mr. President, what happens to the souls of our boys while they stand before dummies in human form learning to perfect the diabolical use of the bayonet? And what must they think of us, the United States Congress, who, in the last analysis, are responsible?

So long as we sanction and provide for war we are responsible for every act of war, for all the agony, all the torture, and all the hideous waste it involves.

This, for instance, is a description of a trench raid by Maj. Gen. Robert Lee Bullard, who was with the A. E. F. in France:

* * * It is a short, terrible, crashing fight, a thing of a few rods and a few minutes, filled with danger and death. It is preceded and followed by a tornado of artillery fire that drives men into the earth as the only safety, from which they may not emerge at all—or emerge to death or capture. Its suddenness, its hand-to-hand deadly encounters, its carnage at close quarters with daggers, pistols, and fearful explosives, its shattering, bloody, merciless action, make it terrible to both raiders and raided. Well that it lasts but a few minutes—it can not last more. (Bullard, Personalities and Reminiscences of the War, p. 148.)

Here is another picture of war given us by an American soldier named Wallace, writing of his experiences in the British Army in the Dardanelles:

For seven weeks we lay in this position, with 2,400 dead men lying within 10 yards of us, unable to pull them into the trench to cremate them or to get out and bury them. There it lay—heads, arms, legs, feet, hands, brains, and entrails and pieces of flesh, littered all over the slope of the parapet; the hot broiling sun blazing down upon this mass of mutilated human flesh to rot it and form maggots. And then it rained and washed all this nauseating mass into our trench. And in this we had to eat, sleep, and live! (Wallace, Daniel H., Shanghai into the European War, 1916, published by League of Humanity, Chicago, p. 9.)

Mr. President, these things are not decent. They are not civilized. They are not Christian. We boast of our advanced civilization. We are pleased to call ourselves a Christian nation. After thousands of years of civilization and after 1900 years of Christian teachings, in the name of the Great Master, is it not time to abolish war? It seems all but incredible that at this day and age we can send our boys to war to do such deeds and endure such suffering. The reason is, of course, that in this matter of war we think in terms of nations and governments and so-called sacred property rights, and not in terms of human beings as the victims. We like to think of the courage, the bravery, the heroism of our boys. But it is our duty here to see to it that their youth, their strength, their courage, their loyalty shall not be betrayed by ignorance, fear, hate, or greed. It is our finest young men we send to war.

The Napoleonic wars shortened the stature of the French race by killing off so many tall soldiers whose height would have been inherited had they lived to have children. So also the World War has killed off the healthiest, strongest, bravest, and most intelligent young men of Europe—medically selected for slaughter. (League of War? By Dr. Irving Fisher, p. 206.)

Why do we go into war?

I quote from an address made at Harvard University in June, 1927, by the Hon. Alanson B. Houghton, our present ambassador to the Court of St. James:

War does not originate from time to time simply in a sudden and uncontrollable impulse on the part of one of these great national masses to go out and slaughter another. War is possible, no doubt,

because these masses are willing, under conditions, to fight. But these conditions are themselves an integral part of the problem. And that problem—

He continues—

broadly speaking, is the outcome of a series of maneuvers by which the masses concerned are brought into positions of opposition. Obviously, this maneuvering is not done by the masses themselves. Collectively and as individuals they have little, if anything, to do with the subtle and gradual shifting of international relationships. Their interests are directed to the more humble and prosaic task of earning a living.

The maneuvering is done by little groups of men called governments. These little groups seek constantly and naturally to gain supposed advantages of one sort and another for their own nationals. Out of their efforts to enlarge or to strengthen or to maintain the interests entrusted to their charge the masses they represent are gradually maneuvered into positions which, to say the least, can not easily be surrendered. If the process continues, sooner or later a situation arises in which an agreement between these small groups becomes impossible. Then, on the ground that their lives and families and property are somehow involved and endangered, these great masses of men and women, roused by every power of organized appeal and propaganda, are ordered under arms, and war follows. The entire process is in control of the smaller groups. They make the issue. They declare the war. The masses they control simply obey.

That is what our present ambassador to the Court of St. James says.

This statement is undoubtedly true. Ambassador Houghton might have added that every country in the World War conscripted its soldiers. The United States, after conscripting, endeavored to make the soldiers hate the enemy. For example, here is an extract from the diary of Maj. Gen. Robert Lee Bullard:

January 8, 1918: Am engaged in a hate-making campaign against the German. I am trying to imbue our soldiers with a determined hatred of them, their method, their purposes and acts. It is justified by German conduct in Belgium and France. It is, besides, a part of the preparation necessary. I believe that I shall succeed. * * * I deemed it especially necessary with our men, because many of them had been quite accustomed to Germans as fellow-citizens at home in the United States. Not having found them cruel or brutal, they would think that the Germans as an enemy had been lied about greatly by English and French. (Bullard, *Personalities and Reminiscences of the War*, pp. 116, 118.)

War ought to be outlawed because of what it always, and of necessity, involves—hating and lying, killing and maiming, violent coercion of body and soul. We ought to outlaw war, even if it could ever profit us or protect us, though there is no conclusive evidence that it can do either.

The only way in which we can outlaw war is by amending the Constitution. If there were any other way, no one would propose so drastic a change, and one which will take several years at least to accomplish. So long as our fundamental law gives war powers to the Government, war will be a legal activity, which we can not restrain by a treaty, by an act of Congress, even by a referendum of the people.

I have been asked why I do not modify this resolution. One suggestion is that war be made illegal except in case of invasion. What would be the result? We would have, as we have now, a great Army, Navy, and air force to protect us from the possible, though to my mind very improbable, invader; for even now, with war for any purpose, even aggression or conquest, entirely legal, we are told that our armed forces are merely for defense—defense of our lives, our homes, our institutions, our industries.

The most ardent of our preparedness advocates will not admit that our Army should or could be used for invasion. Our greater Navy advocates will not admit any desire for conquest. Oh, no; their one plea is preparedness and defense. Therefore, if war were legal only for the purpose of resisting invasion, we would have just such an Army, Navy, and air force as we now have. We would then, as now, confess our willingness to hide behind the bodies of our boys in order to keep ourselves safe. In the meantime our boys would be used, as they are now, to protect our business interests and alleged property rights away from home; getting us into trouble instead of keeping us out; using our flag to cover greed and coercion, instead of holding it up proudly as the emblem of liberty and justice.

There is the same objection to the proposal for a referendum on war before Congress can declare war in any given instance. The Army, Navy, and air forces would have to be maintained ready for use in case the result of the referendum were in favor of war, though I do not believe the people of the United States would ever vote in favor of war, no matter how much misleading propaganda had previously been fed to them.

It has been suggested that we enter into agreements with other nations not to fight, but keep our armed forces to use in case the other nations break their agreements. That suggestion also shows faith in the efficacy of armed force, and implies moral sanction for it. Moreover, the possession of armed forces means the use of them, either directly in actual killing or indirectly in coercing the weak, because it seems to be easier to resort to violence than to rely upon justice and intelligence. War is the selfish and greedy man's way of settlement.

If, as a practical matter, it were possible to make treaties with other countries outlawing war and also providing for complete disarmament, the treaties would not be binding as far as we are concerned, because they would be in conflict with the war powers granted by the Constitution of the United States, and a treaty can not deprive the Government of its constitutional powers. Moreover, any treaty can be nullified by an act of Congress of subsequent date, if, and in so far as, the two are in conflict.

This amendment differs from other peace plans which have been proposed in that it does not attempt to reconcile war and peace. The amendment is designed merely to make war legally impossible. Its proponents believe this can and should be done. They believe that the resort to violence is now in no sense a necessity but a habit, a survival of the time when the economic and social interests of men and nations were conflicting, not interwoven and interdependent at all points, as we now see them to be.

Therefore the proposal does not bear on its face the solution of all economic problems, all national and international relations. Many people contend that war and preparation for war must go on until a solution is found. That might be a reasonable contention, if war offered any such solution. Even then some of us might prefer the disputes, the animosities, and the problems to the war; in short, prefer the disease to the remedy. A successful operation which kills the patient does not amount to much. What war has ever been worth the cost?

War does not settle trade disputes, abolish racial animosities, guarantee the safety of lives, investments, and governments, or furnish a permanent cure for hate, greed, and murder. In fact, war actually prevents such settlements, guarantees, and cures, because it sweeps whole nations out of sanity into the grip of the most destructive emotions, far beyond the call of justice, reason, and humanity.

The development of modern warfare makes it almost impossible to talk of the defense of life or property, no matter how efficient the army, the navy, and the munition workers may be. With aircraft capable of crossing the ocean and destroying our cities in a night, it is futile to talk of the sacred right of self-defense. The right may still exist but the defense is practically impossible.

The following quotations were used by Dr. Irving Fisher in his book *League or War*:

[From the *New York Times*, March 13, 1921]

The Chemical Warfare Service has discovered a liquid poison so strong that three drops will kill anyone whose skin it touches. * * * Falling like rain from nozzles attached to airplanes, the liquid would kill everything in the aircraft's path.

The use of poisonous gas at the end of the World War was a child's game compared to what it will be in the future. (Brig. Gen. A. B. Fries, Chemical Warfare Division, United States Army.)

In a report to the League of Nations, published in the *New York Times* of August 22, 1924, Professor Angell said:

That whereas it is possible to take refuge from steel projectiles and high explosives in deep trenches and dugouts, there is no refuge from deadly gases.

And Professor Mayer doubts whether the world sufficiently realizes the power of the new arms and the dangers to which they expose populations, while Professor Cannon goes further and says that in the last war nothing was seen which is even comparable with the probable destruction of industrial regions and the massacres of civilian populations in the war now being planned.

Mr. President, this is a far cry from the Middle Ages, when it was forbidden to bombard a city before due notice had been given and every opportunity granted the noncombatants to flee from the danger.

No; there will be no guaranty of safety in the "next war," either to life or property. There may be an apparent victory, perhaps, for the nation which is most ruthlessly efficient in the use of bombs, poison gas, and disease germs, which sacrifices its own population and wealth and destroys without scruple or discrimination the enemy, young and old, women and children, ill and infirm. I can not believe, Mr. President, that such a victory could possibly be worth the price.

Many people realize that a guaranty of safety or defense is impossible for anyone to give, yet demand that guarantee before they will consider this amendment. They wish to keep the advocates of the amendment busy, offering them facts and figures about arbitration, passive resistance, multilateral treaties, and so on, in order that they themselves will not have to think about the amendment and the truth which it embodies, namely: That violence and bloodshed are always wrong in principle and disastrous in practice. These same people admit that stealing is wrong in principle and generally disastrous in practice. They do not say, "Give me a guaranty that I shall always have plenty of money or I will steal and make others steal for me." That would be unmoral. Is it not even more unmoral to demand the guaranty before we refrain from killing our fellow men—unmoral for those who believe that human life should be held sacred, unmoral also for those who believe that law and order must suffer whenever and wherever life is held cheap?

It is said that cannibalism became unpopular when some cannibal, with the vision of a capitalist, saw that it would be more profitable to keep his victim alive and make him work, since instead of merely furnishing one meal he could produce many meals for his captor.

If we are not interested in abstract morality, we can certainly see that instead of killing our neighbors we might better let them live and trade with them, thus producing many meals and much prosperity for ourselves.

To my mind these are the only questions we need ask ourselves: Is war a crime against humanity? If so, shall we commit that crime? Or shall we say we are done with it—It shall be outlawed?

The proponents of this amendment say outlaw war. My home is near the Canadian border. That border is unarmed. Between Canada and the United States there is peace and friendship. It is possible to extend that peace and friendship to the world, and it is possible to begin now.

If this resolution be adopted, if the United States disarm completely and spend a little money to let the people of the world know why we are unarmed, no one will attack us. Governments might be willing, but their people never would.

In any event, I would rather take the chance that we might possibly be wrong in putting such faith in our fellow men than to face the certainty that our country will continue to commit the crime of war, and face the certainty of destruction of life and property, almost beyond human comprehension, if another world war is waged.

I am not alone in believing that the much-heralded invading enemy of an unarmed nation is a myth; almost as much of a myth as the nation which fights solely in self-defense.

"No nation has ever admitted being an aggressor," says Arthur Ponsonby, a member of the British Parliament and former Undersecretary of State for Foreign Affairs. Mr. Ponsonby has spoken for the abolition of the air forces and is working for the complete independent disarmament of Great Britain. Disarmament by example, he calls it.

No nation could get its people to support a war which was declared openly to be a war of aggression.

Continuing, he says:

An attack leveled against a nation which had repudiated the idea of ever resorting to force, and which, therefore, could not be suspected in the remotest degree of provocation, would ipso facto be a war of aggression before the world. No nation, no government, no statesman would be a party to any such move. The fear, therefore, of a disarming or unarmed nation being attacked is imaginary and need not be taken into account. * * * Disarmament must be treated as the preliminary to, not the consequence of, security.

Other members of the House of Commons are working in that body for the complete disarmament of the British Empire. On five different occasions the question of doing away with the armed forces of Great Britain has been debated and brought to a vote, the last time being on March 12, when 116 members voted to abolish the air force and 215 voted to retain it.

Mr. President, at the proper time I am going to attempt to get a vote upon this resolution, but I predict right now that there will not be enough Members of the United States Senate with the nerve to allow the resolution to be voted on. They do not want to vote for it, and they do not dare to vote against it. They have not the courage of our English brothers over in the House of Commons, where 116 voted on the 12th of March to outlaw and do away with the air force of that nation.

I have the official reports of the House of Commons. In 1924, speaking on a motion the intent of which was to abolish the British Army, Mr. Ayles said:

I believe that had we learned the lessons of the recent war, and of every war that has gone before that, we should have come to the conclusion that we can not get any kind of security from armed force and from the preparation of armed force. When have armaments given us security? What did we find during the war? We found that in 1914—the greatest military machine this world has ever known was in the field against other armies. Where is the German army to-day? It is extinct. It brought no security to the German men and to the German women, who were led to believe that armed force meant security. * * *

I want to suggest that so far as any kind of security is concerned, in the time of Napoleon, when his victorious army marched across Europe, and when he was more victorious than ever before, France was less secure than ever she had been. In 1914 the greatest military power in the world, with all the forces and all the skill which she had, was not able to safeguard her own homes or her own people.

* * * I believe in complete and final disarmament, even in the midst of an armed world. I believe that the nation that is prepared to have the courage in the midst of an armed world to lay down its arms and not to be filled with fear—fear dogging its footsteps and paralyzing its efforts—will be the only safe nation, will be the only secure nation, will be the only nation that will be able to lead the nations of the world into the paths of righteousness. * * * You have failed with all kinds of armaments and with all wars in the past. You have degraded the world; you have degraded society; you have spoiled the whole lives of millions; you have destroyed the wealth that has been built up, and which ought to have been used for the betterment of mankind. The time has come to disband your armies and for every man to say, "We will never use our hands or our brains to slaughter our fellow men." In other words, the time has come when we should dethrone Mars and exalt Christianity. (Official report, Parliamentary Debates, House of Commons, vol. 171, no. 34, March 17, 1924, pp. 119–125, printed and published by His Majesty's Stationery Office, Imperial House, Kingsway, London, W. C. 2, England.)

In support of the same motion Mr. Thurtle, an ex-soldier, spoke in the House of Commons:

Why am I here to support this amendment? * * * because of my experience on the other side of the channel. The conclusion I came to as a result of that experience was that the kind of ordeal to which human life is put in modern scientific war, with its intensive barrage, its poison gas, its tanks, and things of that sort, is such that no human being ought to be asked to endure it. It is an ordeal which is too great a strain for man's physical and nervous system.

I might say here, Mr. President, that right here in our own United States, of which we are so proud, we have to-day over 24,000 of our returned soldiers in hospitals for the insane.

Mr. Thurtle continued:

* * * When you inveigle the inexperienced youth of this country into the Army, do you call their attention to the fact that the Army contract involves a great deal more than getting good clothes, good pay, good food, with attractions in the shape of an education? When you put these objects and advantages before the youth of the country you always keep in the background, whether it be in the air force of the Army or whatever portion of it, the real purpose for which you are getting them, which is that you may use their lives and limbs as a living shield to protect you in the case of a great war.

* * * What we are trying to say to the House and to the people of this country is that some time some country has to break this vicious circle and to make a definite stand and say that this vicious circle of fear is not going to continue. What we want to say to the people of this country is that there can be nothing finer or greater than that this country should be the country to take that stand first of all. * * * It is the duty of this country to say, * * * "We are going to establish a precedent, we are going to give one clear call to all the nations of the world." I am perfectly certain that if we give that clear call we shall rally the whole of the peoples to our standard. (Ibid. pp. 125–133.)

If you think these English members of Parliament and this Senate joint resolution too idealistic, here is the alternative, here is war:

In the World War the United States lost 125,500 men (Leonard P. Ayres, *The War with Germany*, p. 57), had 205,690 wounded (ibid., p. 58). There are still in hospitals in the United States 24,493 insane or partially insane soldiers.

In spite of this fearful object lesson preparations are being made for the "next war." I want to read what Irving Fisher says of the last war and of the "next war" in his book before referred to:

THE LAST WAR

What did the war cost? Its money cost to governments was \$186,000,000,000, to which might be added the billions spent during the generation preceding the war in preparing for it. This does not count the

billions of dollars' worth of devastation in France and Belgium and on the sea—the destruction of ships, factories, railroads, mines, soil—nor the intangible costs of disrupting trade and industry.

In human lives it cost 10,000,000 killed. This does not include the 30,000,000 of civilians "who might be living to-day."

In morale it cost respect for law and decency, a widespread demoralization from which the world probably can not recover in a generation. (Fisher, Irving, *League or War?* p. 205. Harper & Bros., New York, 1923.)

THE NEXT WAR

* * * And "the next war" will probably cost more in every one of these ways. In that war not soldiers only but helpless women and children will be asphyxiated by the newly invented gas bombs to be dropped from the sky. Whole cities, like New York, will have their inhabitants put to death by this method, and its buildings set on fire by other gas devices. The next world war means the suicide of the world!

This is not the kind of a nightmare that we have in our dreams. It is a nightmare of broad daylight. It simply represents the hard, cold facts of modern warfare as thus far developed, without any guessing as to further developments which future military science has surely in store for a world so blind as to countenance war. (Ibid., p. 206.)

Some say that we are not prepared for war and that there will be no "next war," but the War Department counts to-day on a man power of more than 675,000 men, including men in the Regular Army and Navy actually in service and the Organized Reserves. This figure also embraces men and boys, still civilians but partly trained either in the National Guard, the National Guard Reserve, citizens' military training camps, the Reserve Officers' Training Corps, civilian students' Army correspondence schools, the Naval Reserves, the Naval Reserve Officers' Training Corps, rifle clubs—a total of 17 branches of both services.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. I yield.

Mr. KING. It would be relevant to the matter just referred to concerning appropriations if the Senator referred to the appropriation bill carrying nearly \$400,000,000 for the Army for the next fiscal year and to the naval bill now before us, carrying nearly the same amount for the Navy for the next fiscal year. In addition to that, the Secretary of the Navy, with the approval of the President and the Budget, as I am told, recommended an appropriation of \$740,000,000 additional for new naval construction. Knowing, as we do, that most naval construction always exceeds the amount of the estimates, and in many cases the final costs are from 50 per cent to 100 per cent above the estimates, it would mean, if all of the demands of the executive departments are granted, Congress would appropriate directly and authorize the appropriation directly and indirectly approximately \$2,000,000,000 for military purposes for the next fiscal year. It seems to me that the militarists in the United States, with their strident voices, are quite successful in suppressing the voices of those who speak for a safe and proper naval policy and for world peace.

Mr. FRAZIER. I appreciate the Senator's suggestion, and I may state in connection with that line of thought that the report of the Secretary of the Treasury for the fiscal year 1927 gave some very interesting figures on expenditures for that year. Fifty-one per cent of the total expenditures by the United States Government for that year were for public debt and interest on the public debt, and the public debts are war debts. Thirty-one and a fraction per cent was for military functions. Seventeen and a fraction per cent was for civil functions. Undoubtedly a considerable portion of that 17 per cent plus is for war preparations, for expenditures we would not need if we were not preparing for war. In other words, 82 per cent of our annual expenditures raised by taxation from the people of the United States goes for past wars and preparation for future wars.

The ideal of the War Department is universal military training (Annual Report Secretary of War, 1921, p. 9).

In its Army Regulations the War Department takes for granted that immediately upon the declaration of war a conscription act similar to that in force during the World War will be jammed through Congress. (Army Regulations, No. 120-10, War Department, June 18, 1926, mobilization man power for military purposes, p. 7.)

The general plan for mobilization has been formulated and is in the hands of the local authorities throughout the country. (Ibid., pp. 3, 4, also Annual Report Secretary of War, 1927, p. 30.)

Army regulations for them provide in detail for the—

recruitment for the organization and the reception of men from the local draft boards. (Army Regulations, No. 135-10, War Department, Washington, December 31, 1924, par. 13, c. p. 5.)

And specifically state that—

prior to the operation of the selective service law—

There will be—

intensive voluntary recruitment at home stations, rendezvous or mobilization points. The personnel required to bring all mobilized cadres to war strength will be obtained directly from local draft boards. * * * (Army Regulations, No. 120-10, War Department, Washington, March 5, 1924.)

We have guns, bayonets, poison gas, tanks, and bombs. We are accumulating a war reserve of weapons and ammunition. Congress has been asked to authorize "educational orders" for munitions to be placed among private concerns, those concerns to be paid for keying their factories to war production and training their men in the manufacture of war material (Annual Report Secretary of War, 1927, p. 36), the contention being that it is necessary to have definite plans to prepare millions of men for war-time production. (Ibid., p. 39), since at least 17 civilians must work behind the lines to maintain one soldier in the line. (Assistant Secretary of War, in an address on January 24, 1927, reprinted in the United States Daily, January 25, 1927.)

We have raw materials allocated by 20 commodity committees. (Annual Report Secretary of War, 1927, p. 32.)

We have military men in contact with an executive railroad officer in each corps area, and car-service division representatives in touch with War Department agents. (Ibid.)

We have maps of all the transmission systems and plans for the coordination of the power industries urged upon the National Electric Light Association as a war measure. (Ibid., p. 33.)

The Navy Department reports 305 vessels in full commission, including battleships, cruisers, submarines, destroyers, and airplane carriers, with 190 aircraft attached to the fleets. (Annual Report Secretary of the Navy, 1927, pp. 10, 42.)

Mr. President, who can tell when this "next war" is going to come? When is this fearful machine, composed potentially of all the able-bodied men of the United States, trained in the latest scientific devices of slaughter; disciplined to instant, unquestioned obedience; drilled in the art of bombing, gassing, and bayoneting their fellows; supported by regimented industries back of the lines; reinforced by those iron monsters patrolling the seven seas and further augmented by an immense air force to start on its path of terror and destruction?

Or shall we decide not to have this "next war"? The decision lies with us.

War is a tremendous stupidity, a denial of our own intelligence. It is not only murder on a vast scale, but often national suicide on a larger scale. It is the means through which, so far, many civilizations have perished, and could easily be the means by which we also might be destroyed. War is primitive and barbaric. It should have no place in present-day civilization. It should be outlawed. The United States should set the example. Are we, as Members of the United States Senate, willing to pass this resolution and give the people of the various States a chance to speak on this subject? In my opinion the great majority of the people of this country would be glad to vote to outlaw war if given an opportunity to do so. I want them to have that opportunity.

This amendment to outlaw war is not expected to meet with the approval of people who always want to follow the established custom and who think that any suggested reform is a radical heresy. It will not be approved by those who believe in the "divine right of kings," in the divine right of a government to plunge its people into war. Neither will it be approved by those who believe in the sacred right of property over that of human life.

But the amendment is favored by those who honestly believe that war is a crime toward humanity and by those who honestly believe in the right of the people to govern.

I quote from Ralph Waldo Emerson's Essay on War:

If you have a nation of men who have risen to that height of moral cultivation that they will not declare war or carry arms, for they have not so much madness left in their brains, you have a nation of lovers, of benefactors, of true, great, and able men. Let me know more of that nation; I shall not find them defenseless, with idle hands swinging at their sides. I shall find them men of love, honor, and truth; men of an immense industry; men whose influence is felt to the end of the earth; men whose very look and voice carry the sentence of honor and shame; and all forces yield to their energy and persuasion. Whenever we see

the doctrine of peace embraced by a nation, we may be assured it will not be one that invites injury; but one, on the contrary, which has a friend in the bottom of the heart of every man, even of the violent and the base; one against which no weapon can prosper; one which is looked upon as the asylum of the human race, and has the tears and the blessings of mankind.

Mr. President, at the proper time I intend to do everything in my power to bring about a vote on Senate Joint Resolution 1.

Mr. BROOKHART. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. FRAZIER. Gladly.

Mr. BROOKHART. Has the Senator any information as to those contracts or tentative contracts which have been made for the use of industries in the next war?

Mr. FRAZIER. I will say to the Senator that I have no definite information, but from the authentic reports which I have I believe such arrangements are being made.

Mr. BROOKHART. There has been a special mobilization of industry provided for. I mean to bring it before the Committee on Military Affairs soon, if I can. In a general way, as I understand it, it is proposed that we are to bring about a stabilization of prices and of earnings, and these industries are to be given a 6 per cent capital return, plus expenses, costs, and everything else.

Mr. FRAZIER. That is, on a cost-plus basis?

Mr. BROOKHART. Yes; only it is 6 per cent or something like that, as I understand the arrangement. It seems to me that any arrangement of that kind would be the greatest possible encouragement for the industries to go into war, in time of depression particularly, when their earnings were low, because they would profiteer over and above peace times even by such arrangements as may have been made for stabilization in war time.

Mr. FESS. Mr. President, will the Senator yield?

Mr. FRAZIER. In just a moment. From our experience in the past war with the profiteering that went on, we would naturally assume that the statement of the Senator from Iowa is correct, because it is so well known that there were some 17,000 new millionaires created, as I recall.

Mr. BROOKHART. It was reported that there were 23,000. The Treasury Department could not find all of them, however.

Mr. FRAZIER. There was a vastly greater number of millionaires after the war than there was at the beginning of the war. I now yield to the Senator from Ohio.

Mr. FESS. The query of the Senator from Iowa, which was quite strong, might be answered by what I think it is generally going to be conceded will be done in case any other war comes on, and that is the conscription not only of the man power of the country but of the money power as well. In other words, if we ever become involved in war we shall never limit the operation of conscription to the war elements.

Mr. FRAZIER. Mr. President, I am very glad to hear the keynoter of the next Republican National Convention make that statement, because the Senator from Ohio remembers that at the beginning of the World War anyone who advocated such a thing as that was called a traitor. I know, because I advocated it.

Mr. FESS. The Senator may recall that I offered an amendment on the floor of the other House to that effect at the time we were discussing the man power bill; so it is no new thing to me. I have long had such a conviction.

Mr. NORRIS. I do not see how the Senator from Ohio escaped. [Laughter.]

Mr. FESS. And, secondly, I am convinced that since the war there has been a general unanimity of sentiment that in case of another war the conscription policy, if applied at all, must be applied generally.

Mr. BROOKHART. Mr. President, on that proposition I desire to state that the American Legion has favored a resolution for a long time—and the rank and file of the Legion believe in it—to the effect that the next time we have a war capital shall be drafted on the same terms as those on which men are drafted. But at this session there has been introduced in both Houses a universal draft bill with the indorsement of certain leaders of the Legion, the auxiliary of the Legion, and I presume of the D. A. R.—I think that body indorsed it; at any rate, it has the indorsement of a great many of the members of that organization. That bill provides for the drastic draft of men by the President even before a declaration of war, but when it gets down to capital in war, I want to call the attention of the Senator from Ohio to the fact that it says we will stabilize the earnings of capital and the price of commodities; there is no drafting of capital about it. According to information I have—I do not state it as accurate, because it is not official—the War

Department has mobilized the industries at 6 per cent, whereas if capital were drafted as are men it would be mobilized at 2 per cent, or something like that. In case that be true this draft scheme that is being tried to be put over in Congress at this time is another war-profiteering scheme of gigantic proportions.

Mr. FRAZIER. It looks that way. Since the Senator from Iowa has mentioned the Daughters of the American Revolution—I had not intended to mention that organization—I will say that I clipped from the editorial column of Arthur Brisbane in this morning's Washington Herald this little article:

The charming and lovely Daughters of the American Revolution admit that they have a "blacklist," made up of public men and public speakers. "We must take great care in selecting our speakers," the ladies say, "for there is dangerous radicalism abroad."

Brisbane continues:

Patrick Henry would be on that "blacklist," of course, and several other radicals connected with the Revolution. As for Him who said, "Take all thou hast and give to the poor," He would be barred from D. A. R. speaking, as a matter of course.

However, these are dangerous days. It's a blessing we have those ladies to protect us.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. NORRIS. I will say to the Senator from Alabama that I am in no hurry to proceed, and if he would prefer to proceed now I will yield and let him go ahead.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. BINGHAM. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. BINGHAM. I do not want to let go by without protest the statements just made by the Senator from Iowa [Mr. BROOKHART] and the Senator from North Dakota [Mr. FRAZIER]. I know statements of that kind with regard to manufacturers and their willingness to drag this country into war if they are not doing well in their business are thought by many persons to be unworthy of any consideration whatsoever, but, coming from a manufacturing State and one that produced more munitions during the World War for the cause of the Allies and for the cause of America than any other State, and knowing many of those manufacturers personally, I want to state in the strongest and most emphatic way possible that, so far as the manufacturers of Connecticut are concerned—and I have no reason to believe that they are any better than those in the other States of the Union—I do not believe that there is a single manufacturer in this country so unpatriotic, so selfish, so thoughtless of suffering as to be willing to see war come because his business is not prosperous.

Mr. BROOKHART. Mr. President, can the Senator from Connecticut give us any information in regard to the tentative contracts which have been made?

Mr. BINGHAM. No; I am not familiar with that matter, but I wish to say that I think before the Senator made such a charge on the floor of the Senate he ought to have asked the War Department, through the chairman of the Military Affairs Committee, whether any such cost-plus-6-per-cent arrangement had been made with our manufacturers.

Mr. BROOKHART. I have asked for and I expect to have that information; but there was quite wide publicity given to this mobilization plan. I do not know that it included any manufacturer in Connecticut, but I will find out; and, until I do find out, I will not hold them guilty.

Mr. BINGHAM. With regard to the mobilization, it is a well-known fact that Congress has given to the Assistant Secretary of War the power of making arrangements with manufacturers so that in case of war we need not take so long as has been the case heretofore to get under way. What those arrangements are, however, I do not know.

Mr. BROOKHART. They are not drafting arrangements such as have been so eloquently suggested by the Senator from Ohio, and I insist that capital shall be drafted on the same terms as men are drafted.

Mr. FRAZIER. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. HEFLIN. I yield.

Mr. FRAZIER. I should like to ask the Senator from Connecticut if he knows how many new millionaires were made in Connecticut during the World War?

Mr. BINGHAM. No. I know that this country was very prosperous during 1914, 1915, and 1916, when the countries of the world were paying millions and millions of dollars to our manufacturers all over the country for the purchase of commodities which they needed. It is my opinion from what I saw, although I was not in a position to see much during the war, for I was in the Army myself, that the money made in this country was made before the United States entered the war rather than afterwards.

Mr. FRAZIER. But we have ample figures to show that there was all kinds of money made during the war time, when we were actually in the war. There was a lot of graft that went on during that time; there is no getting away from that and no doubt about it; although we might go a little further back and say that a great amount of money was made during the war period previous to the time we went into the war. However, does the Senator from Connecticut think it was just right for a neutral country, as we were supposed to be, to furnish some of the warring nations with munitions to carry on the war?

Mr. BINGHAM. Certainly. I am glad we furnished them; and if we had not furnished them there is a likelihood that the Allies might not have won the war. However, as to a single manufacturer desiring to involve us in war for the sake of making money, it is not so.

Mr. FRAZIER. Of course, there is room for difference of opinion there.

Mr. BINGHAM. Can the Senator mention the name of a single manufacturer who did that?

Mr. FRAZIER. The hearings brought out all kinds of facts in regard to that. I can give the record if the Senator desires.

Mr. BINGHAM. That a single manufacturer desired to involve us in war so that he could make money?

Mr. FRAZIER. They made all kinds of money, but I do not know what their desires were; of course, that is a hard thing to tell; we can only judge that from their attitude and what they did. Perhaps the Senator does not remember the occasion, but I made a statement on the floor of the Senate during the discussion of the World Court question quoting Colonel House and calling attention to the fact that he stated in an article published in a magazine, the name of which I do not recall at the moment, that had it not been for the fact that Germany was reckless in her use of submarines and in some other measures she took along that line, and had it not been for some other mistakes that Germany apparently made, this Nation might have found itself on the side of Germany instead of on the side of the Allies in the World War.

ACQUITTAL OF HARRY F. SINCLAIR

Mr. HEFLIN. Mr. President, I wish to say a few words about a very startling and shocking thing that has just taken place in the Capital of the Nation.

Some months ago the Capital was shocked, as was the Nation, when told that a "bye-bye blackbird" jury had acquitted Doheny and Fall. All honest men and women in the country were dazed, humiliated, and grieved because a court here at the Capital had gone through the farcical performance of investigating high crimes and misdemeanors of a grave national character, and had finished up by giving a clean bill of health to two notorious and guilty criminals. A Cabinet officer, one who sat at the helm of the Nation and helped guide its affairs, who had intrusted to his care rights and properties of the people and of the Government, deliberately betrayed his trust and sold out to Doheny and Sinclair the great oil reserves of the Nation.

Doheny and Sinclair, two of the money lords of the country, reveling in their ill-gotten gain, connived with Fall, this betrayer of his country, and corruptly induced him to sell himself in the market place, and through that corrupt performance they obtained the Nation's rich oil reserves.

President Roosevelt had set aside this valuable oil property to be kept and used some time in the hour of the country's need. President Wilson, followed in his footsteps, safeguarded the arrangement by which these oil reserves were to be held in trust for the people of the United States. No armed band from the outside marched against the strongholds of the Government to deprive it of that property, worth millions of dollars. It was accomplished by treason to the Government, by betrayal of a trust, and by the use of enormous funds of filthy lucre on the part of Doheny and Sinclair.

The Government went out and apprehended these outlaws and national highwaymen and took them into court to answer for their crimes.

The grand jury indicted Fall, Doheny, and Sinclair. The Doheny and Fall farcical trial of hateful memory is behind us. They both, strange to say, were acquitted. Doheny is permitted

to go his way, to enjoy himself, to clip his coupons and revel in the fruits of his corrupt dealings with a traitor to the Government. Mr. Sinclair comes on to be tried, and what do we witness at the capital of the country?

Senators, where law enforcement ought to obtain, where the courts of justice ought to stand everlastingly above suspicion and devoted to the principles of right and justice, what do we find in the trial of Mr. Sinclair, this rich money lord of the Nation? When a jury is being impaneled to try him—a jury to lift their hands to God and swear that they will a true verdict render according to the law and the evidence, so help them God—what do we find?

We find Sinclair, with hired villains, trying to bribe the jury as it is being formed, and former detective agencies at the Capital in his employ engaged in this villainous work of helping to break down the courts of justice in the Nation, not out in the interior of the country but right here at the Capital itself. Then what do we see in the court?

I am not condemning courts. I am condemning a court. I am not attacking the jury system. I am attacking particular juries and particular judges. I believe in the courts; I believe in the jury system with all my heart.

What did we see? We saw the trial judge permitting the Sinclair case to be sidetracked, and the court's arm went reaching out into the briar patches and hedgerows hunting for these little fellows who were accused of trying to bribe somebody. The Sinclair case goes over and drags along for another year untried, and in the meantime they have all the time they want to perfect their corrupt arrangements to bring about his acquittal.

Senators, these truths ought to be told by somebody. You can not hold the respect and confidence of the masses of the people in the courts, in our free institutions, if you permit those high in authority to betray their trust, and permit those who are rich to buy their way out of the courthouses of the country. You can not hold the confidence of the respectable men and women of the Nation. You have got to have one standard of justice for the high and the low, the rich and the poor alike. If a millionaire violates the law, it is a reflection on the court and a shame on those in authority in it if they can not convict him and have him punished under the law like other people are punished.

This verdict to-day is shockingly astounding in the face of the ruling of the Supreme Court in this case on the vital facts of the case. This case was tried before Judge Kenyon, formerly a Republican Senator from the State of Iowa, a big, strong, clean, courageous man, now on the circuit court of appeals. He tried the case, and he said that this transaction was branded all over with fraud and corruption. The case was carried to the Supreme Court of the United States by the defense, and the Supreme Court sustained Judge Kenyon, saying that this whole transaction was branded all over with fraud and corruption. Then, if that is true, this whole miserable transaction was unclean, criminal, and rotten. There was no just reason for permitting them to keep this property, and the Supreme Court ordered what was left of it returned to the United States Government. There was no reason why they should not be prosecuted, punished, and imprisoned for their villainous crime against the Government that they have sworn to support and sustain. But what have we got here this morning, Senators?

We have here in the Capital a man, a haughty millionaire, who stands to-day in contempt of the Senate of the United States. He has defied the constituted authority of the greatest law-making body in the world. He refuses to give the Senate testimony when the Senate calls in the name of the Government for that testimony; and to-day he walks the streets of Washington with a clean bill of health—a verdict of acquittal at the end of another farcical performance in a courthouse at the Capital of the Nation. Senators, I read just the other morning about a poor fellow out in the West who had seven or eight children and he was not able to support them all. The little boys had heard the father talk about how scant food supplies were and say he did not see how he could provide much longer for so many children. They found one of the boys upstairs. He had shot himself through the stomach with a pistol. When the doctor reached him and asked him why he did it, the little fellow, writhing in pain, his face wet with tears, said, "I thought there would be one less for dad to have to feed." God bless that little fellow and save his life! We have many poor people in this great country struggling for an honest living, millions of them who are hard pressed for the necessities of life.

These human beings made in God's image have a right to live. Sometimes sheer want and hunger drive them to steal. I sympathize with them and pity them. If they go out and steal a loaf of bread, they are put in the penitentiary.

The military authorities not long ago disgraced a United States soldier, I am told, for stealing two dressed turkeys. Think of that! Here was a boy who went to France and offered his life for his country. Because he stole a couple of dressed turkeys the military arm of the Nation reached out, got him, and dishonorably discharged him and imprisoned him. Think of that!

Out in the Northwest the other day a man held up a bank and robbed it of one or two thousand dollars. They apprehended him and convicted him, as they should have done; but Sinclair robs the Government of the United States of a hundred million dollars' worth of property, violates the law of the land, corrupts Cabinet officers, deprives the Government of supplies for future national defense, then scorns and defies the Nation's Senate—laughs at the laws of the country and escapes punishment in a court at the Capital.

Senators, have the American people reached the point of indifference and decadence where they are no more stirred to righteous indignation by the recital of such wrongs and crimes? This country must wake up. It must be aroused to the importance of combating the dangers that threaten it. Is the spirit of honor and integrity, of self-respect, love of justice and of right principles dying out in our country? What are we doing here to safeguard and preserve them? Certain foreign influences and certain domestic influences are seeking to undermine this great American Government. "They must not pass."

Sinclair goes his way, acquitted. The finding of the circuit court of appeals based on all the facts, and they were undisputed, the decision of the highest court in the land, the Supreme Court of the United States, based on those findings, made on facts, as I have said, that were undisputed—all these have gone down to-day because Sinclair, the man that Governor Smith, of New York, appointed and kept in office during all that time, has his millions and hundreds of millions. Not only has he done that but he has put his Government bonds, strangely purchased, into the hands of Will Hayes, gathering up corrupt campaign funds for the Republican Party and turning them over to Mr. Mellon, Secretary of the Treasury of the United States.

He keeps them and then says that finally he turned them back, and that he, out of his own generous impulse and liberality, took out of his pocket \$50,000 and paid it himself, rather than to be found with any of these Sinclair bonds in his possession; but Mr. Mellon never told anybody about that.

Senators, what would happen to the ordinary man in public office if he had been caught connected up with a big scandal like that, and a judge had brought him into court and said, "Didn't you know about this?" "Yes." "You knew about all the circumstances connected with the villainous work of this man?" whoever he might be; it happened to be Sinclair in this instance. "Yes." "Why didn't you tell it? You were guilty of concealing the truth, and to that extent helping to cover up a crime, when you were put into honorable position and expected to cry out against wrongdoing and crime arising from any source, and to serve your country faithfully."

Mr. Mellon never told anybody about it until the Senate committee investigating the matter asked him the direct question on the witness stand.

Senators, are we going to tamely and cowardly submit to the establishment of two standards of conduct in public office—one for the rich and one for the poor? Two standards of justice—one for the rich and one for the poor? If so, we had better put up two courthouses at every place—one for the rich and one for the poor—and write over the door of the entrance of the one for the poor, "Who enters here may or may not obtain justice"; and put upon the front of the other one, "Here is where verdicts are made to order and sold for cash to the highest bidder."

Are we going to come to that? God forbid! I burn with righteous indignation, as I know some of you do, as I talk to-day about this scandalous performance that has just taken place here in the Capital of the Nation. Doheny will rejoice out in California. Old Fall will rejoice—the archtraitor of his country.

Sinclair will, no doubt, spread a feast to-night when he will stand up and say, if he dared to say, "My money is powerful; it is stronger than the institutions that stand on yon Capitol Hill, stronger than the statutes enacted by Congress, stronger than the so-called justice that they claim governs and is over all in this country. My money has wrought this thing and out of the clutches of the Government and its law I am free because I and my money have willed it."

What has he done? He has left a slimy trail behind him that stinks with scandal, corruption, crime, and treason, and the Capital to-day and the Nation to-day are given notice that the ends of justice have been defeated at the seat of govern-

ment—that a rich man has been acquitted, not because the facts and law justified it, not because he was innocent, but because he corruptly used the power of his purse to procure the results achieved. Admiral Robison will never be able to lift the black cloud that hangs heavy over his guilty head.

Mr. President, it is the duty of Congress to pass additional laws if we have not already laws sufficient to cover all these national scandals and crimes.

There ought to be a statute that would imprison for life any citizen who corrupts a public official and one to imprison for life any public official who becomes corrupt and betrays his country. Neither one of them should ever again be permitted to walk the earth a free man, or stand out in the open under the blue sky of heaven, who betrays his trust, proves traitor to his country, and dishonors himself and those who trust him. For the public officials are in positions of trust and power. They can do much to protect and preserve or to betray and destroy our free institutions. Fall is free out yonder, enjoying the ill-gotten gain that he obtained from Sinclair. He is a rich man now, so far as dollars go. So these mighty rich men, these national crooks, thieves, and scoundrels have laughed at and scorned the National Government. They have defeated the ends of justice and walked out free from the courthouse here at the Capital, within a stone's throw of the White House, where once sat the mighty Jefferson, Jackson, Lincoln, McKinley, Roosevelt, and Wilson. And, Senators, all this has transpired right here in the Capital of our country in this morning of the twentieth century, where we of America are supposed to be the "heirs of all the ages in the foremost files of time."

ERADICATION OF PINK BOLLWORM

Mr. RANSDELL. Mr. President, I ask unanimous consent to report back favorably with amendments, from the Committee on Agriculture and Forestry, Senate Joint Resolution 129, to provide for eradication of pink bollworm and authorizing an appropriation therefor, and I submit a report (No. 865) thereon.

Mr. President and Senators, this is a great emergency. The paper that came in this morning, the United States Daily, shows that the bollworm quarantine has been extended to nine counties in Texas. It is a very serious matter, really an emergency, threatening the entire industry. The Federal Department of Agriculture thinks this pest can be entirely eradicated. It was eradicated, I will say, from southeastern Texas and southwest Louisiana in 1917, 1918, 1919, and 1920, at a cost to the Government of around \$3,111,000. Now it has gotten into the western part of Texas, and it threatens the whole industry.

The report of the Secretary was favorable, the Budget recommended it, and there is a unanimous report from the Committee on Agriculture. I would not ask to have this matter brought up at this time if there were not a real emergency, which ought to be acted upon promptly. I ask unanimous consent for the immediate consideration of the resolution.

Mr. KING. Mr. President, I wish the Senator would let this go over until Monday. Let me say that in the closing hours of the last session a demand was made for an appropriation of \$10,000,000, as I recall—perhaps it was more—because of the great danger that threatened the corn crop, the statement being that \$10,000,000 must be appropriated to eliminate the corn borer before we left the Senate Chamber. I have heard a vast amount of criticism over the action of the Senate, and many have contended that the appropriation was not needed and that much of it had been inefficiently used.

I do not like these imminent appropriations that have to come before us and be passed upon in a few minutes, without full consideration, calling for such stupendous sums.

Moreover, the agricultural appropriation bill which has just been passed carries more than \$140,000,000, and in that measure there were a large number of items dealing with subjects of this character.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator object?

Mr. RANSDELL. I hope the Senator will not object. The Senator from Texas [Mr. MAYFIELD] can tell him something about the necessity for this action.

Mr. KING. I will object for the present. I suggest that the Senator seek to have the joint resolution come up later in the day.

The PRESIDING OFFICER. The Chair understands the Senator from Utah to object?

Mr. RANSDELL. The Senator from Utah asks that the joint resolution go over for the present. He may withdraw his objection later in the day.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11020) validating certain applications for and entries of public lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. BINGHAM. Mr. President, we have had some interesting views with regard to the so-called war in Nicaragua. I studied international law under a democratic professor of international law, the late Professor Strobel, who was at one time advisor to the King of Siam, at one time minister to Spain, and at one time Assistant Secretary of State. It was Professor Strobel's idea, as supported by most of the textbooks which we used, that war was a very definite, clearly defined, legal status.

I do not believe in the doctrine of outlawing war, because it appears to me that war is illegal until the Congress makes it legal. If anybody wants to start a war because he thinks it is legal, he will soon find out that it is contrary to law, that the only way there can be war is by special act of Congress. When the people of the United States, through their representatives, indicate that they believe that war is necessary, then that war and that war alone becomes legal.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BINGHAM. Certainly.

Mr. FRAZIER. The Senator from Connecticut then does not agree with the Senator from New Jersey in his statement yesterday that a state of war does exist in Nicaragua?

Mr. BINGHAM. I listened to the Senator from New Jersey during his address yesterday, and I did not hear him make that statement. Perhaps I was not listening at the particular moment the Senator thinks he made it.

Mr. NORRIS. The Senator will remember, if he was here, that it came out in answer to a question I asked him at the conclusion of his remarks.

Mr. BINGHAM. I heard the Senator endeavor to secure an admission of that kind.

Mr. NORRIS. I got it.

Mr. BINGHAM. I am glad the Senator was satisfied.

Mr. NORRIS. I was satisfied.

Mr. BINGHAM. I can assure the Senator that he will not be satisfied with my position.

Mr. NORRIS. I know that in advance, of course.

Mr. BINGHAM. So do I.

Mr. McKELLAR. Mr. President, if the Senator will allow me to quote what the Senator from New Jersey said, I can refresh his memory.

Mr. BINGHAM. I shall be very glad to have the Senator do so.

Mr. McKELLAR. I read from yesterday's Record:

Mr. NORRIS. Mr. President, I would like to ask the Senator from New Jersey a question or two. He said he would be pleased to be interrogated when he had finished.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nebraska for that purpose?

Mr. SACKETT. I yield.

Mr. NORRIS. I want to ask the Senator whether, in his judgment, a state of war exists now in Nicaragua?

Mr. EDGE. I presume technically; yes.

Mr. NORRIS. Then I would like to ask the Senator if the Constitution of the United States, which he says is being amended, has not been amended by that war being brought about by the President, without any declaration on the part of Congress.

Mr. EDGE. Technically so.

Mr. NORRIS. That is all I want to know.

Mr. BINGHAM. I am glad to have my memory refreshed in the matter. I do not agree with that position, because I do not believe that technically a state of war exists in Nicaragua, and

if the Senator will do me the honor to listen to that which I have prepared—

Mr. McKELLAR. May I interrupt the Senator again, just before he begins his remarks?

Mr. BINGHAM. Certainly.

Mr. McKELLAR. The Senator says that a state of war does not exist in Nicaragua.

Mr. BINGHAM. Does the Senator think a state of war exists in Chicago?

Mr. McKELLAR. No.

Mr. BINGHAM. They kill people there.

Mr. McKELLAR. I know; but this is different.

Mr. BINGHAM. There are also machine guns being used.

Mr. NORRIS. We have our troops in Nicaragua.

Mr. BINGHAM. We have policemen in Chicago.

Mr. McKELLAR. We are proceeding against an army in Nicaragua, and that army is proceeding against our troops in Nicaragua, and men are being killed on both sides. The Senator will certainly admit that statement.

Mr. BINGHAM. Men are being killed on both sides in Chicago, as far as I can learn, but that does not prove there is a state of war there.

Mr. McKELLAR. The Senator certainly knows better than to say that conditions existing between the American Government and Nicaragua are similar to those existing in Chicago. Surely the Senator can not take that position. I have too much respect for the Senator's views to believe for a moment that he would say that there is any similarity between the two situations.

Mr. BINGHAM. I thank the Senator, I am sure.

I was very much interested in an article which the junior Senator from Wisconsin asked to have printed as a Senate document some time ago, and which he quoted recently. It is called Senate Document No. 39, and in it an effort is made to show that under the Constitution of the United States the Congress has power—sole power—to declare war. In the course of the article reference is made to Article I, section 8, clause 2, of the Constitution of the United States, to debates in the Constitutional Convention, and to decisions of the Supreme Court of the United States. Quotations are made also from the utterances of Presidents and Secretaries of State to show that they recognized that the power to declare war rested with Congress.

The meaning of the provision of the Constitution cited seems so clear that it is strange that it should be deemed necessary seriously to argue that the Congress possesses power to declare war. This power has on several occasions been exercised by the Congress and, while questions have been raised as to the dates on which a war began or the date on which a state of war ceased to exist, so far as is known no question has ever been raised as to the power of Congress to declare war or to recognize the existence of war by declaring that a state of war existed, or as to the efficacy of a declaration made by the Congress that a state of war existed. The opening and closing pages of the article, however, disclose that the purpose in engaging in so laborious a discussion of so simple a question is to show that, since 1903, Presidents Roosevelt, Taft, and Coolidge, in employing the armed forces of the United States without authorization of Congress, have sought to wrest the war-making power from Congress. The author of the article seeks to exclude President Wilson from the scope of the accusation by explaining that, although President Wilson's ventures in the Dominican Republic, Haiti, and Mexico entailed the use of armed forces without legislative authority to a greater extent than has been done by any other President before or since his time, President Wilson acted unwittingly under the influence of holdover diplomats.

In the light of the evident purposes of the article, it seems that the real question raised—although little consideration is given to it in the article—is whether the use of armed forces in the manner in which they have been used without express legislative authority constitutes war. Since the article is a professed attempt to discuss the question from a strictly legal standpoint, and inasmuch as the Constitution of the United States by which the war-making power is placed in the Congress is the fundamental law of the country, the questions as to what constitutes war and whether the practice which the author seems to regard as so iniquitous constitutes war in contemplation of law should be considered.

A statement made in the opinion of the United States in *Bas v. Tingy* (4 Dallas, 37) as to the meaning of war is quoted in the article. The quotation is as follows:

It may, I believe, be safely laid down that every contention by force between two nations, in external matters under the authority of their respective governments, is not only war, but public war.

This was obviously not intended as an all-exclusive or all-inclusive definition of war. Since war between nations is

largely regulated by international law, it is deemed not inappropriate to set forth a definition of war used in a recognized work on international law. The following is quoted from Oppenheim's *Work on International Law*:

Sec. 54. War is the contention between two or more states through their armed forces for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases. War is a fact recognized, and with regard to many points regulated, but not established, by international law. * * *

Sec. 55. In any case, it is universally recognized that war is a contention, which means a violent struggle through the application of armed force. For a war to be in existence, two or more states must actually have their armed forces fighting against each other, although the commencement of a war may date back to its declaration or some other unilateral initiative act. Unilateral acts of force performed by one state against another without a previous declaration of war may be a cause of the outbreak of war, but are not war in themselves, as long as they are not answered by similar hostile acts by the other side, or at least by a declaration of the other side that it considers the particular acts as acts of war. Thus it comes about that acts of force performed by one state against another by way of reprisal or during a pacific blockade in the case of an intervention are not necessarily initiative acts of war. And even acts of force illegally performed by one state against another, such, for instance, as occupation of a part of its territory, are not acts of war so long as they are not met with acts of force from the other side, or at least with a declaration from the latter that it considers the particular acts as acts of war. * * * (Oppenheim, *International Law*, 2d ed., Vol. II, pp. 60-61.)

Mr. WATSON. What is the Senator reading?

Mr. BINGHAM. This is from Oppenheim's great work on international law. The Senator will recall that Oppenheim is recognized as one of the world's great authorities on international law.

It will be observed that the author distinguishes between war and the use of armed forces short of war. The distinction between war in the legal sense and war in a material sense was recognized by the Supreme Court of the United States in *The Three Friends* (166 U. S. 63). The following quotation is taken from the opinion in that case:

But it belongs to the political department to determine when belligerency shall be recognized, and its action must be accepted according to the terms and intention expressed.

That is a distinction which appears not to have been common on the floor of the Senate in recent discussions.

The distinction between recognition of belligerency and recognition of a condition of political revolt, between recognition of the existence of war in a material sense and of war in a legal sense, is sharply illustrated by the case before us. For here the political department has not recognized the existence of a de facto belligerent power engaged in hostility with Spain, but has recognized the existence of insurrectionary warfare prevailing before, at the time, and since this forfeiture is alleged to have been incurred.

It will be seen from the foregoing that, according to responsible authorities, the use of the military forces in itself does not constitute war as that term is understood in law and as it is used in the Federal Constitution. As a matter of common historic knowledge, it has been from an early date in this country's independent existence a practice for the Executive to employ the armed forces to protect American interests abroad.

In a message to Congress of December 6, 1805, President Jefferson, in speaking of depredations committed on the commerce of the United States under the authority of Spain, stated:

Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad or to rescue a citizen or his property; and the Spanish officers remaining at New Orleans are required to depart without further delay. (1 Richardson, 389.)

In his message of November 16, 1818, to the Congress President Monroe stated:

In authorizing Major General Jackson to enter Florida in pursuit of the Seminoles care was taken not to encroach on the rights of Spain. I regret to have to add that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked which evinced their participation in the hostile purposes of that combination and justified the confidence with which it inspired the savages that by those officers

they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fall in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated and of the protection on which they had relied in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major General Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the Government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their Government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there to deliver the posts—Pensacola unconditionally to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola to terminate it by proving to the savages and their associates that they should not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those relations were preserved. To a change of them the power of the Executive is deemed incompetent; it is vested in Congress only. (2 Richardson, 42-43.)

In a note to the Spanish minister, dated November 30, 1818, the Secretary of State stated:

After a full and deliberate examination of these proofs, the President deems them irresistibly conclusive that the horrible combination of robbery, murder, and war, with which the frontier of the United States bordering upon Florida has for several years past been visited, is ascribable altogether to the total and lamentable failure of Spain to fulfill the fifth article of the treaty of 1795, by which she stipulated to restrain, by force, her Indians from hostilities against the citizens of the United States * * *. It is therefore to the conduct of her own commanding officers that Spain must impute the necessity under which General Jackson found himself of occupying the places of their command. (Moore's *International Law Digest*, Vol. II, p. 405.)

It will be noted that the author of the article published in Senate Document No. 39 quoted from a message of President Monroe of March 25, 1818. The message of November 16, 1818, shows that General Jackson penetrated the territory of Spain, took possession of Spanish forts, and employed the Army to a much greater extent than the message of March 25, 1818, from which the author of the article quotes, indicated. Furthermore, a statement of the Secretary of State in the note to the Spanish minister, an excerpt of which is quoted above, shows that President Monroe approved the action of General Jackson. Inasmuch as General Jackson, who headed the expedition into Florida was Andrew Jackson who later became President of the United States, it is probably unnecessary to make any further comments in regard to the views and action of President Jackson as to the use of the military forces when occasion for doing so arose.

The communications of Secretary Cass, quoted in the article, show without doubt that he considered that the Congress possessed the war-making power. They show also that, while Secretary Cass recognized that the war-making power was in Congress occasions had arisen in which it was necessary to employ the military forces of the United States without authorization by Congress. He apparently understood also that such use of the military forces did not necessarily constitute war. The following paragraph of Mr. Cass's letter to Mr. Body, part of which was quoted in the article, shows that Mr. Cass recognized the necessity of the use of armed forces without express legislative provision in some instances:

Cases may occur where the circumstances may justify the employment of our naval or military forces, without special legislative provision, for the protection of our citizens from outrage, but it is not necessary to examine the extent or limit of this right, because the principle is inapplicable in your case, where you demand a forcible interposition with the Nicaraguan Government, in order to give effect to the contract to which you refer. (Moore's *International Law Digest*, Vol. VII, p. 166.)

It appears from the above that Presidents Jefferson, Monroe, Jackson, and Buchanan, although they affirmed that the power to declare war was in the Congress, authorized or employed

force, without legislative authority, to protect American interests. The views of various Executives as to their power to employ the armed forces can probably better be judged by action which was taken under their authority than by statements which they made.

In May, 1811, the United States cruiser *President* attacked and disabled the British warship *Little Belt*. (History of the Navy of the United States of America, by Cooper, vol. 2, p. 26.)

In 1823 a force was landed at Siquapa Bay, Cuba, from the barges *Gallinipper* and *Mosquito* to pursue pirates who had fired on the barges. The men from the United States vessels landed and, with the local authorities, killed, wounded, and took prisoners all the pirates who had reached the shore from their vessel. About the same time a force was landed from the *Greyhound* and *Beagle* at Cape Cruz. (History of the Navy of the United States of America, by Cooper, 1866, vol. 3, pp. 26-28.)

In 1832 a force of 250 seamen and marines from the U. S. S. *Potomac* landed on the island of Sumatra for the purpose of punishing the natives of the island for the plundering of the vessel *Friendship* and the murdering of the mate of the vessel and other members of the crew. The landing force engaged the natives in action, stormed a fort on shore, and burned a considerable portion of the town. Two members of the landing force were killed and 11 wounded. On the return of the party on board the *Potomac* they were followed by the natives carrying a flag of truce and begging for peace. (History of the Navy of the United States of America, by Cooper, vol. 3, pp. 31-36.)

In July, 1840, a force of seamen and marines was landed from the *Vincennes* and *Peacock* on one of the Fiji Islands for the purpose of punishing natives who had attacked an American surveying party. The principal town of the natives was destroyed. About the same time a force of 70 officers and men was landed on another island of the Fiji group to punish the natives for killing two American officers who had been attacked while on shore. (History of the Navy of the United States of America, by Cooper, vol. 3, pp. 45-46.)

In 1851 the U. S. sloop *Dale* visited the island of Johanna and obtained under threat of bombarding the town \$1,000 as indemnity for the imprisonment and detention on the island of the captain of the American whaling brig *Maria*. (Moore's International Law Digest, Vol. VII, p. 112.)

In 1854 60 sailors and marines from the American sloop *Plymouth* and a number of seamen landed in China and cooperated with a force of English sailors and marines against the Imperial forces, who had seized an American pilot boat. Several Americans were killed and wounded. (History of the Navy of the United States of America, by Cooper, vol. 3, p. 102.)

In 1855 a force was landed in the Fiji Islands from the sloop *John Adams* to obtain reparation for the wrongs inflicted by natives on Americans residing on the island and shipwrecked seamen. After several sharp skirmishes and the burning of several villages, the native chief signed articles promising better conduct. (Cooper, vol. 3, p. 105.)

In November, 1856, a force of 280 sailors and marines was landed in China from the U. S. warships *Portsmouth* and *Levant* and stormed the Canton barrier forts. Firing from the forts was silenced by the *Portsmouth*, and the storming party took four forts. Following the capture of these fortifications the Chinese concluded a commercial treaty with the United States. (Cooper, vol. 3, pp. 105-106.)

In August, 1858, Secretary Cass addressed to the Secretary of the Navy a letter, reading in part as follows:

In view of the bitter feelings of hostility which exist in the east toward Christians residing there, as manifested in the recent occurrences at Jeddah and in the island of Candia, and also in the late outbreak at Alexandria, I have the honor also to suggest the importance of our squadron being directed to traverse the whole of the Levant, showing itself along the coasts of Egypt, Palestine, Syria, and of Asia Minor for the purpose of affording all possible protection to the persons and property of our citizens as well as to remind the authorities in those regions of the power of the United States. (49 MS. Dgm. Let., Department of State, pp. 111-112.)

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. I yield.

Mr. FESS. Just as a matter of comment, all with the exception of one citation fell under the administration of Democratic Presidents, which indicates that this was not a Republican policy or a Whig policy, but an all-American policy, including all parties.

Mr. BINGHAM. I thank the Senator. There is no partisan politics in it. It has been the universal practice of American Presidents, and it has been our pride as American citizens that they have done so, to demand respect for American lives and property in foreign parts and to use the armed forces of the United States in commanding such respect whenever it was necessary to do so.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. May I say, in respect to the comment just made by the Senator from Ohio, that I beg that he will reconsider the attempt to link the transactions in Nicaragua with any of those to which the Senator from Connecticut is referring, because there is no parallel. The line of demarcation separating the incidents referred to by the Senator from Connecticut from the proceedings in Nicaragua is so apparent that it does not require a lawyer or a professor to distinguish it.

Mr. FESS. Mr. President—

Mr. BINGHAM. Of course, that is a matter of opinion, which leads to debate, and I should prefer to continue my argument, but I yield to my friend from Ohio.

Mr. FESS. As a matter of courtesy, I should like to state, as the Senator refers to Nicaragua, that the facts are that the marines were kept in Nicaragua eight years under Woodrow Wilson; and, secondly, that the marines were landed in Haiti by the order of Woodrow Wilson.

Mr. BINGHAM. Mr. President, I hope that we shall not open up the debate at this time, as I desire to complete the argument which I have prepared in an effort to show that, although Congress undoubtedly has a right to declare war, various Presidents of both parties have repeatedly used the armed forces of this country abroad without any direct authorization of the Congress and nobody has claimed that such action was war.

Mr. FESS. Mr. President, I beg pardon of the Senator from Connecticut for interrupting him, but I thought my interruption was rather pertinent to what he was saying.

Mr. SHORTRIDGE. Mr. President, will the Senator from Connecticut permit me to say one word?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I yield.

Mr. SHORTRIDGE. I assume that the Senate does not overlook the proposition that by silent acquiescence—to use the phrase of the Supreme Court—the Congress has approved of the use of force by or through the order of the Presidents, and, therefore, as of now, by silent acquiescence, the present occupant of the White House had legislative authority and approval for what he has done.

Mr. BINGHAM. Mr. President, if I may be permitted to resume the historical summary I am submitting, I desire to say further that under the administration of President Lincoln, in 1863, the *Pembroke*, a small American steamer, laden with merchandise from Yokohama, in attempting to pass through the Straits of Shimonoseki, was fired upon from the shore and by an armed brig belonging to the Prince of Nagato. The vessel was not struck. The American minister demanded redress for the insult to the American flag, and by his direction the commander of the U. S. S. *Wyoming* proceeded to Shimonoseki to retaliate. He found three vessels of the prince lying at anchor near the shore. He attacked them and, after a short conflict with them and the shore batteries, sank a brig and blew up a steamer, by which action some 40 persons were said to have been killed. On the *Wyoming* there were five killed and six wounded. The American minister presented to the Japanese Government a claim on behalf of the *Pembroke* for \$10,000, covering loss of time and freight and the abandonment of the voyage. The claim was promptly paid. (Moore's International Law Digest, Vol. VII, p. 116.)

In 1864 the Mikado Government in Japan refused to recognize treaties which had been concluded with the United States, France, Great Britain, and the Netherlands. The Mikado closed the Straits of Shimonoseki. The naval forces of the United States, Great Britain, France, and the Netherlands jointly proceeded to force open the Straits and obtained the unconditional surrender of the prince. (Moore's International Law Digest, Vol. V, p. 749.)

In 1868 armed forces of the United States were landed at various places in Japan to protect the interests of American citizens; and all this without any authorization on the part of Congress or any claim that the President was going beyond his power.

In 1893 the Brazilian Navy at Rio de Janeiro, under the command of Admiral Mello, revolted. The insurgents interfered

with commercial operations at the port and threatened to bombard the city. They attempted to prevent vessels from going to the docks. Admiral Benham, of the United States Navy, employed force to protect American vessels desiring to go to the docks. In his annual message of December 3, 1894, President Cleveland referred to this incident as follows:

It appearing at an early stage of the insurrection that its course would call for unusual watchfulness on the part of this Government, our naval force in the harbor of Rio de Janeiro was strengthened. This precaution, I am satisfied, tended to restrict the issue to a simple trial of strength between the Brazilian Government and the insurgents, and to avert complications which at times seemed imminent. Our firm attitude of neutrality was maintained to the end. The insurgents received no encouragement of eventual asylum from our commanders, and such opposition as they encountered was for the protection of our commerce and was clearly justified by public law. (Moore's International Law Digest, Vol. VI, p. 439.)

In 1894 a detachment of 21 marines and 29 sailors was landed in Korea from the U. S. flagship *Baltimore* to protect the American Legation and American missionaries there. (Report of the Secretary of the Navy, 1895, p. 523.)

In 1900 United States troops and marines were sent to China to guard the American Legation and to participate in the operations against Tientsin and Peking at the time of the Boxer uprising. (Foreign Relations of the United States, 1900.)

Intervention in the Dominican Republic and Haiti is mentioned in the article, but the suggestion conveyed by the article that the President exceeded his constitutional authority is not convincing.

The taking of Vera Cruz by United States naval forces in April, 1914, was the result of direct affronts to this Government by General Huerta and his adherents through the arrest of the paymaster of the U. S. S. *Dolphin*, who had landed at Tampico with a whaleboat and boat's crew to take off certain supplies needed by his ship; the arrest at Vera Cruz a few days later of an orderly from the U. S. S. *Minnesota*, who had gone ashore in uniform to obtain the ship's mail; the withholding by authorities of the Mexican telegraphic system until peremptorily demanded by the American chargé d'affaires in person of an official dispatch from this Government to its embassy in Mexico City. For the incidents at Tampico and Vera Cruz Admiral Mayo demanded that the flag of the United States be saluted with special ceremony by the military guard of the port.

The immediate purpose of the landing of forces and the taking of possession of the customs was to prevent the landing of a cargo of arms intended for the Huerta régime. In this case, however, the President had delivered a message to the Congress on April 20, fully setting forth the facts, and the House of Representatives had passed a resolution supporting the President's position.

The forces were landed on April 21, and the Senate approved the House resolution the day following, namely, April 22, 1914. In submitting the matter to Congress and requesting the latter to support him in his contemplated action the President stated:

No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President—

I should like, Mr. President, particularly to call the attention of the Democratic Senators to that statement of President Wilson that—

no doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President—

He went on to say—

but I do not wish to act in a matter possibly of so grave consequence except in close conference and cooperation with both the Senate and House. I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States, even amidst the distressing conditions now unhappily obtaining in Mexico.

In connection with the Pershing expedition into Mexico in 1916 in pursuit of Villa, it was thought that an understanding had been reached between the executive branches of the two Governments in which Mexico had consented on the basis of reciprocity to the sending of American troops across the border. The President nevertheless laid the matter before the Congress, and the latter, by resolution of March 17, 1916, after reciting that the President—

has ordered or is about to order the armed forces of the United States to cross the international boundary line between this country and Mexico—

And so forth, and gave its approval to the use of such forces—for the sole purpose of apprehending and punishing the lawless bands of armed men who entered the United States from Mexico on the 9th day of March, 1916, committed outrages on American soil, and fled into Mexico. (Foreign Relations, 1916, p. 491.)

It appears, nevertheless, that the President considered that he had sufficient authority in this case without the approval of Congress. American troops were actually under way several days before any action was taken by the Congress. The resolution was apparently for the purpose of showing that the Congress supported the President in his action.

It is clear, Mr. President, from what is set forth above, that military forces of the United States have been employed without express statutory authority on numerous occasions practically from the beginning of the Government by many executive administrations. A substantially uniform practice of protecting American interests abroad, by force if necessary, negatives the suggestion that the Executive, while charged with the responsibility of protecting Americans abroad, is without means of meeting his obligation in this regard. While the war-making power of Congress has not been questioned by any President, and while Executives have as a rule been cautious to take no action which was likely to result in war without obtaining the approval of Congress in advance, yet they have with few, if any, exceptions been ready to employ the armed forces to protect American interests when necessary and when that could be done without precipitating war. Some of the instances cited above entailed the use of a considerable measure of force. American marines lost their lives and frequently the naval forces of the United States were employed with fatal consequences to their opponents. Yet none of the instances cited was considered as constituting war. When nations become engaged in war, in contemplation of law certain rights accrue to them as belligerents which did not accrue to the United States on these occasions. The legal consequences of a state of war are well defined in international law. The people of the belligerent countries become enemies, intercourse between them becomes unlawful, the right of visitation, search, and seizure accrues, and so forth. None of these rights was exercised or thought to exist in the frequent instances of the employment of force referred to in the foregoing. Neither do they exist at the present time in Nicaragua. None of these rights are exercised or are thought to exist in Nicaragua at the present time.

The reason why these consequences did not ensue is that war in the legal sense did not exist.

While the case *In re Neagle* (135 U. S. 1) did not require a decision of any question relating to the power of the President to use the armed forces of the United States to protect American interests, comments made in the course of the opinion of the court in that case rendered in 1889 are of interest in relation to the subject under discussion. Referring to section 3, Article II of the Constitution of the United States, which declares that the President "shall take care that the laws be faithfully executed," Justice Miller stated:

Is this duty limited to the enforcement of acts of Congress or of treaties of the United States according to their express terms, or does it include the rights, duties, and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution?

The Justice then goes on to say:

One of the most remarkable episodes in the history of our foreign relations, and which has become an attractive historical incident, is the case of Martin Koszta, a native of Hungary, who, though not fully a naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen. While in Smyrna he was seized by command of the Austrian consul general at that place, and carried on board the *Hassar*, an Austrian vessel, where he was held in close confinement. Captain Ingraham, in command of the American sloop of war *St. Louis*, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hülse-mann, the Austrian minister at Washington, which arose out of this affair and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Captain Ingraham for his conduct in the affair. Upon what act of Congress then existing can anyone lay his finger in support of the action of our Government in this matter?

Mr. FESS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. FESS. The remarkable feature in that case was that this Hungarian had made application and had secured his first papers—

Mr. BINGHAM. That is all.

Mr. FESS. And he had not yet been naturalized. He was awaiting the time, and in the meantime had gone over and was caught on this vessel; and our Government went to that extent to protect a man who was not yet a citizen, but had merely taken out his first papers.

Mr. BINGHAM. But in those days, Mr. President, we were a little more jealous than we are to-day of the honor attaching to the term "American citizen."

Mr. FESS. And that was W. L. Marcy, a distinguished Democrat from New York.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly, if it will not lead to a long debate, because I desire to complete the argument. Then I shall be glad to yield. I am almost through.

Mr. NORRIS. Of course, I will not interrupt the Senator without his consent.

Mr. BINGHAM. Unless the Senator desires to add to the argument, which I am afraid the Senator does not desire to do.

Mr. NORRIS. I do not suppose I could add to any argument of the Senator, even if I tried to.

Mr. BINGHAM. The Senator is far too modest.

Mr. NORRIS. But I was interested to know whether the Senator from Ohio and the Senator from Connecticut were citing that case to show that there is not any war in Nicaragua, and I was interested in knowing what that had to do with the Nicaraguan situation. I may be dense, but personally I can not understand, if that is the point the Senators are trying to make, what it has to do with this matter. Nobody has contested anything of that kind.

Mr. BINGHAM. I do not think the Senator was present when I began.

Mr. NORRIS. Yes; I was present.

Mr. BINGHAM. The effort of this argument, I will say to the Senator, is to show that acts of armed forces of the United States do not constitute war, and that when they have been indulged in or threatened, as in this case, it has not been held that the President exceeded his authority.

Mr. NORRIS. I think myself that the historical matters that the Senator is relating here are exceedingly interesting; but I have been listening very attentively to find one that is similar to the conditions down in Nicaragua, and I was wondering if it was the same Supreme Court decision where our Supreme Court passed on what constitutes war. They have passed on the question. I should like to have the Senator read that decision.

Mr. BINGHAM. I have read several decisions of the Supreme Court.

Mr. NORRIS. The Senator has not read any yet—

Mr. BINGHAM. I have not read any that suits the Senator; I realize that.

Mr. NORRIS. No; the Senator has not read any that has any application to Nicaragua.

Mr. BINGHAM. That is a matter of opinion.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. The Boxer incident involved some force in China.

Mr. BINGHAM. I should like also to read the following quotation from the dissenting opinion rendered in this particular case, which I believe is also of interest. The dissenting opinion reads:

To illustrate the large sphere of powers self-executing and independent of statutes claimed to be vested in the Executive, reference is made to the continually recurring cases of the President's interference for the protection of our foreign-born and naturalized citizens on a visit to their native country; and we are cited, as a striking instance of the exercise of such power, to the case of Martin Kozsta, who, though not fully a naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen, and who, whilst at Smyrna, was seized by order of an Austrian official and confined on board an Austrian vessel, and who, being afterwards delivered up to Captain Ingraham, commanding an American war vessel, in compliance with a demand, backed by a demonstration of force, on the part of that officer, was placed in the hands of a French consul subject to negotiations between the American and Austrian Governments, resulting in the famous correspondence between the American Secretary of State, Mr. Marcy, and the Chevalier Hülse-mann, representing the Austrian Government, and the restoration of Kozsta to freedom. We are asked, "Upon what express statute of Congress then existing can this act of the Government be justified?"

I am sure the Senator from Nebraska will realize that that question has been repeatedly asked in this debate.

The Supreme Court said in this dissenting opinion:

We answer that such action of the Government was justified because it pertained to the foreign relations of the United States, in respect to which the Federal Government is the exclusive representative and embodiment of the entire sovereignty of the Nation in its united character; for to foreign nations, and in our intercourse with them, States and State governments and even the internal adjustment of Federal power, with its complex system of checks and balances, are unknown, and the only authority those nations are permitted to deal with is the authority of the Nation as a unit.

It will be noted that reference is here made in 1889 to the continually recurring cases of the President's interference for the protection of American citizens. The transitory period, if there was one, has been somewhat misplaced by the author of the article under discussion. The truth is that there has been no transitory period. The armed forces of the United States have been employed necessarily from an early date to the extent that means were available and occasion arose to protect American interests. A possible reason for timidity on the part of the Executive at some stages of the country's history is suggested by Cooper, cited above, writing of the assault on the U. S. S. *Chesapeake* by the British warship the *Leopard* in June, 1807, as follows:

With a foreign trade that employed 700,000 tons of American shipping alone, Congress passed a law on the 22d day of December, 1807, declaring an unlimited embargo, for all the purposes of foreign commerce, on every port in the Union, anticipating a large portion of the injuries that might be expected from an open enemy by inflicting them itself.

This extraordinary measure was not avowedly taken in consequence of the attack on the *Chesapeake*, for the English Government early professed a readiness to atone for that outrage, but it originated in the feelings it engendered. The national pride had been wounded, and the injury rankled the deeper because all intelligent men felt that the Nation was not in a condition to resent the insult. The squadron that then lay in Lynnhaven was probably equal to blockading the entire naval force of the United States of America, and this, too, it ought never to be forgotten, in a country that met its current expenses and extinguished an ancient debt with the duties on its imports alone, which possessed the amount of shipping already mentioned and had nearly 100,000 registered seamen. (Cooper, History of the United States Navy, Vol. II, p. 23.)

It is an axiom, as true as it is venerable, that a "divided power becomes an irresponsible power." Such, in fact, is the nature of the authority wielded by the National Legislature, the neglect of which, in the way of military and naval preparations, would long since have ruined most of the statesmen of the country, had they been guilty of the same omissions, as individuals, that they had sanctioned as bodies of men. We may lament the infatuation, condemn the selfishness, and denounce the abandonment of duty, which impel ambitious politicians to convert the legislative halls into arenas for political controversies that ought never to degrade their deliberations, or impair the sanctity of their oaths; but when we find the consequences of such unconstitutional innovations putting in jeopardy the lives and honors of those who are subject to martial law, a solemn and reproving sentiment must mingle with the views of every honest citizen, as he maturely considers the hardships of the case. (Cooper, Vol. II, p. 22.)

So much for Historian Cooper.

I find no difficulty in agreeing with the learned author of the article set forth in Senate Document No. 39 that, under the Constitution, the war-making power rests with the Congress. There is no question of that; but I submit that the gentleman has misconstrued the meaning and effect of the various acts and incidents which he has referred to as acts of war in his endeavor to show that the Executive has gradually encroached upon the prerogatives of the Congress. One of the most important duties resting upon the Executive of this country is the affording of protection to American interests in foreign countries. He would be grossly derelict in his duty if he failed to use the armed forces at his command in appropriate cases and within reasonable bounds without first petitioning the Congress for authorization. The exigencies of the situation would often render it impossible for the President to obtain advance authorization, and an effort to do so would, in many cases, result in a failure to afford timely protection.

Imagine, for example, what would have happened in connection with the Boxer uprising in China, to which reference has been made by the Senator from California [Mr. SHORTRIDGE], had the Executive awaited the authorization of Congress to use the military forces of the United States to afford protection to American citizens and the American Legations, who were at

the mercy of fanatics. Failure of the Executive to act when the legation and a large number of American citizens in the legation were under siege would have been wholly inexcusable.

The Executive, as well as the other branches of the Government, has not only the powers conferred by the Constitution but has such implied powers as may be necessary to enable it to carry into execution power specifically conferred. The President by the Constitution is made the Commander in Chief of the Army and Navy of the United States. He is also charged with the duty of conducting the foreign relations of the United States and of affording protection to American citizens and American interests. It would be an idle thing to say that the President, while charged with these grave responsibilities and while given the exalted position as Commander in Chief of the Army and Navy, can not use the forces at his command in the performance of the duty enjoined upon him of affording protection. It is not to be forgotten that, in carrying out this grave responsibility, the President must exercise sound judgment and discretion.

I believe, however, that President Coolidge, like his predecessors in the exercise of this power, has displayed that degree of sound judgment which persons who have held that exalted position have exercised and are presumed to exercise. He has maintained the best American traditions. Both he and Secretary Kellogg have shown remarkable and continued skill and ability in the handling of our relations with Mexico, as well as the other American Republics.

If we will think back just for a moment to the position which we took in regard to the Republic of Mexico and which they took in regard to us but a year ago, and the widespread clamor on the part of many people that intervention was necessary, and the widespread belief on the part of thousands of people that war was coming between us and Mexico, and that we were being driven into it by "the wolves of Wall Street" and the financial interests who were said to have their hands on this administration to such an extent as to direct its foreign policy, the present situation seems almost incredible. Within a very few months after the arrival of our new ambassador to Mexico, Hon. Dwight W. Morrow, the situation has changed. The country has become friendly. The most difficult possible matters at issue between the two countries have been ironed out. No one thinks of intervention. There is no talk of war; and for the first time in many years there is a feeling of cordial friendship and of international amity between this country and our neighbor to the south of us. To my mind, Mr. President, that is one of the greatest single achievements of the present administration.

At Habana recently, at the Pan American Conference, certain matters of great contention arose. Certain matters were given great prominence in the newspapers because of the possibility of friction between us and the Argentine Republic. There were at that conference certain individuals who endeavored to raise an issue with the United States; but, notwithstanding all that, the fact remains that more good was accomplished at that conference, more conventions were signed, more agreements were entered into between the republics of Pan America, looking toward peace in the future and prosperity in the Western Hemisphere, than at any preceding conference; and our relations with the governments of Latin America to-day are in good condition. They are friendly to us, notwithstanding the efforts of many on this floor to make people in foreign countries believe that we persecute the weak, that we are at war with Nicaragua because she is poor and needy, and that we are fighting for "the wolves" of financial Wall Street.

I believe if some of the Senators who have expressed those opinions were themselves more familiar personally with conditions in the republics to the south of us they would not indulge in flights of fancy of that character, or even permit their convictions to find expression unless they knew more about it. If they knew more about it, there would be no expression of that sort, which gives comfort to our enemies, which makes us ridiculous abroad, and which gives ammunition to those in the countries to the south of us who, for reasons best known to themselves, are constantly endeavoring to make trouble for the United States of America, which is their best and greatest friend.

Mr. HARRIS. Mr. President, I do not like legislation of this kind on an appropriation bill; but we have had a number of resolutions relating to this subject before the Committee on Foreign Relations, we have not had any report on any of them to the Senate, and have had no way to express our views in opposition to the President's policy in using the marines to supervise an election in Nicaragua.

Our forefathers provided, under our Constitution, that Congress alone can declare war, and can appropriate money to carry on war. Unless Congress prevents, some of this appropriation will be used for war. We are really at war with some of the people in Nicaragua. If Congress had declared war, even though I should have voted against it, I would stand by the President of the United States, no matter whether he were a Republican or a Democrat. There would not be a Senator in this Chamber who would support the President more steadfastly than I would. But the President has no right to send the marines to Nicaragua to supervise an election, which has really put this country into a war without the consent of Congress. Many of our marines have already been killed and they have killed many more Nicaraguans.

I believe that using our marines to hold an election is one of the most dangerous things we could do, and would lead us into serious troubles. I do not believe in sending our Army and Navy to all parts of the world to collect private debts of wealthy men, and to voice my protest I shall vote for the amendment of the Senator from Wisconsin [Mr. BLAINE] if no better substitute is offered. I believe the people of this country are more opposed to the Nicaraguan policy of the President than anything he has done since he has been in office.

I dislike very much to differ from him in any matter relating to foreign affairs and, although I differ with the President in sending our marines to Nicaragua, I would not vote to withdraw them at this time, because the President has made an agreement to carry on this work; but I do believe that when this work is over, we should withdraw our marines. I do not think we should ever attempt to supervise an election in a foreign country again. I have in the past and will continue in future to do everything within my power to prevent war. War is a relic of barbarism, and civilized nations should try every way to avoid war. For that reason I shall support an amendment which prevents our marines from remaining in Nicaragua longer than just after the election.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. DILL. Does not the Senator think that a very proper amendment to this bill would be a provision that none of the moneys carried in the bill should be expended for troops in Nicaragua, unless and until the President had secured the consent of Congress to keep the troops in Nicaragua?

Mr. HARRIS. Yes; I favor that.

Mr. DILL. It seems to me that is a fair proposition, and one that gives every opportunity for Congress to pass on this question, and, at the same time, would not force the marines to be taken out.

Mr. HARRIS. I do not believe in a Senator embarrassing the President of the United States about foreign affairs, and I hope never to do so. I am sorry to differ from the President at this time, but I believe that it is important to the country that we should get out of Nicaragua. It has already led us into war with those people, and I am afraid it is going to lead us to even more serious war. I believe in avoiding war in every way we possibly can.

For these reasons, I shall support some amendment that will carry out my views.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. DILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	George	McLean	Shortridge
Blaine	Glass	McMaster	Simmons
Blease	Gooding	McNary	Smith
Borah	Hale	Mayfield	Steiner
Bratton	Harris	Metcalfe	Stephens
Brookhart	Harrison	Moses	Swanson
Broussard	Hawes	Neely	Thomas
Capper	Hayden	Norbeck	Tydings
Caraway	Heflin	Norris	Tyson
Copeland	Johnson	Nye	Vandenberg
Couzens	Jones	Oddie	Wagner
Curtis	Kendrick	Overman	Warren
Cutting	Keyes	Pittman	Waterman
Dill	King	Ransdell	Watson
Fess	La Follette	Schall	Wheeler
Fletcher	Locher	Sheppard	
Frazier	McKellar	Shipstead	

The VICE PRESIDENT. Sixty-six Senators having answered to their names, there is a quorum present.

The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. BLAINE], on page 53, line 17.

Mr. NORRIS obtained the floor.

Mr. HEFLIN. Mr. President—

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. HEFLIN. I have a substitute which I wish to offer for the pending amendment. I would like to have a vote on it. It is to be offered at the same place, and reads as follows:

Provided, That none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility by United States marines in Nicaragua unless and until the President shall obtain from Congress consent to keep them there.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Alabama. [Putting the question.] The nays have it.

Mr. HEFLIN. Let us have the yeas and nays.

The VICE PRESIDENT. Is the demand sufficiently seconded? [After a pause.] Apparently it is, and the clerk will call the roll.

Mr. CURTIS. Mr. President—

Mr. NORRIS. Just a moment. I do not quite understand the situation. I had the floor, and had been recognized by the Chair.

Mr. HEFLIN. I thought it was agreeable with the Senator to have a vote on my amendment.

Mr. NORRIS. I have not any objection myself.

Mr. HEFLIN. Then let the roll be called.

Mr. SHORTRIDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from California will state the point of order.

Mr. SHORTRIDGE. I question whether the requisite number indicated a desire for a vote by yeas and nays.

Mr. HEFLIN. The Chair had already announced that the roll would be called and the clerk directed to call it.

Mr. NORRIS. If we are going to be at all technical, I make the point that the Chair had no authority to recognize the Senator from Alabama with his proposition after he had recognized me and I was entitled to the floor. However, I make no point of it. I do not care.

Mr. HEFLIN. I have no objection. The Senator can go ahead and make his speech now.

Mr. NORRIS. I am perfectly willing to wait until Monday. I do not care whether we vote to-night or not.

The VICE PRESIDENT. The Chair was under the impression that the Senator from Nebraska had yielded the floor.

Mr. NORRIS. Oh, no; I had not.

Mr. CURTIS. Mr. President, there are a number of Senators who understood that there would be no yeas-and-nays vote on this subject this afternoon. I had understood the first amendment would be passed on by a viva voce vote. In view of that fact I do not think it would be fair to those Senators who are not here to have a yeas-and-nays vote now.

Mr. NORRIS. If that is true, of course, we ought not to have a yeas-and-nays vote.

Mr. CURTIS. If the Senator from Nebraska would like to speak on the pending question this afternoon, I would be glad to have him do so. Otherwise I shall ask for a recess until Monday.

Mr. HEFLIN. We are going to have a yeas-and-nays vote on this amendment of mine. I do not agree to this performance of having an agreement with Senators on the side who want to attend ball games and other things, that we will not have a yeas-and-nays vote. The American people have a right to a yeas-and-nays vote when their representatives here demand it. If Senators want to leave their place of duty and go somewhere else, and somebody here enters into an agreement with them that there will not be a yeas-and-nays vote, I insist it is a very high-handed piece of leadership in this body. I do not think any leader on either side of the Chamber has the authority to engage in such tactics.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. Let me say to the Senator from Alabama that there was an understanding that there would be a number of speeches upon the general subject before the question of a vote upon the various amendments which will be offered would be brought up for consideration, and it was the consensus of opinion that the discussion on the general subject would consume the afternoon and that a vote would be taken on Monday upon the Senator's amendment and any others that might be offered.

Mr. HEFLIN. But the Senator from Kansas said that there was an understanding that there would be no yeas-and-nays vote.

Mr. CURTIS. Oh, no, Mr. President.

Mr. HEFLIN. I ask to have the Official Reporter's notes of the Senator's statement read.

Mr. CURTIS. Let me state what I intended to say and what I believe I said.

Mr. HEFLIN. The Senator can state now what he intended to say, but I am talking about what he did say.

Mr. CURTIS. What I said was this—

Mr. NORRIS. Mr. President, I claim the floor for the purpose of debating the pending amendment. I will settle the question in that way.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. I do not want my position to be misunderstood or misconstrued. There were a number of Senators who indicated their intention to debate the pending amendment. A number of other Senators came to me and said they understood there would be no yeas-and-nays vote upon the Nicaraguan question this afternoon. I talked with one or two Senators interested in the amendment, and they said they did not care for a yeas-and-nays vote upon the pending question, and that there would be other amendments offered upon which there would be a yeas-and-nays vote; probably on Monday. In view of the fact that those Senators went away believing there would be no yeas-and-nays vote this afternoon, it would be unfair to them to have one. So far as I am personally concerned I am ready to vote at any time.

Mr. HEFLIN. Hereafter I do not want anybody to make an agreement that we will not have a yeas-and-nays vote, and then, when some Senator, exercising his right as a United States Senator, asks for a roll call, Senators sit with their hands down and refuse to call for a yeas-and-nays vote because they quietly had an understanding with some Senator who wants to take his ease and go somewhere. We would all like to get out and get some fresh air, but let us not legislate in that way. No Senator here has a right to traffic away the rights of other Senators to the extent that we are not permitted to have a yeas-and-nays vote because some Senator happens to be absent. I think each Senator ought to stand on his own rights under the Constitution and that other Senators ought to be here. I would like to change the rule so that when a Senator has to be away for any great length of time he must get permission from the Senate to absent himself.

Mr. CARAWAY. Mr. President, will the Senator from Nebraska yield to me a moment?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. Of course this tempest in a teapot does not require any serious discussion. The rule has been in effect as long as I have been acquainted with this body that where Senators threaten to make a speech others who do not want to suffer may enter into an agreement that they will go away and come back and vote the next day. I do not want to see that right of escaping punishment abrogated. [Laughter.]

Mr. HEFLIN. Until the Senator from Arkansas can get to the point where he can screw up his courage to tell the country how the Arkansas delegation stands on Al Smith, he ought not to make any such suggestion as that. [Laughter.]

Mr. CARAWAY. Whenever the Senator from Alabama can find out what he is going to do himself, then he can lecture somebody else. Until he can convince us that he knows what he is going to do himself, he had best consult his own case and not lecture other people.

Mr. HEFLIN. The country knows that I am against him.

Mr. CARAWAY. The country knows the Senator has said so, but they do not know how the Senator will vote.

Mr. HEFLIN. I am going to vote against him.

Mr. CARAWAY. If he is nominated will the Senator vote against him or for him?

Mr. HEFLIN. I will not cross that bridge until I come to it. [Laughter.] If he is going to obtain the nomination by such tactics as were employed in Arkansas and Iowa and Illinois he will have a good deal of explaining to do. I do not think the Democratic Party is ready to sanction the sale of the Democratic nomination. We are not ready to sell out to the Roman Catholic political machine and the whisky interests.

Mr. CURTIS. Mr. President, will the Senator from Nebraska yield to me to move a recess?

Mr. NORRIS. I yield for that purpose.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon Monday.

The motion was agreed to; and the Senate (at 3 o'clock and 10 minutes p. m.) took a recess until Monday, April 23, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, April 21, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord God is a sun and shield; no good thing will He withhold from them that walk uprightly. At the call of this day do Thou make goodness and gladness the aroma of our conduct; bless us with a realization of Thy presence and crown our labors with success. Qualify us in those virtues that make for personal rectitude and stability of government, and give us the blessing of a mind that sees and of a heart that feels. Persuade us that purity is never so divine as when it appeals to the impure; that strength is never so courageous as when it helps the weak, and wisdom is never so learned as when it instructs the ignorant. When the experiences of life come hard and the head is bowed and the heart is heavy, gracious Lord, bestow sweet peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 463. An act for the relief of David J. Williams; and

S. 3793. An act authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River near Grantsburg, Wis.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9495) entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. CAPPER, and Mr. SMITH to be the conferees on the part of the Senate.

The message further announced that the Senate had concurred in the following concurrent resolution:

House Concurrent Resolution 31

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the joint resolution (H. J. Res. 244) entitled "Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

LEAVE OF ABSENCE

Mr. BLANTON. Mr. Speaker, beginning next week, I ask for an indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADDRESS OF COL. WADE H. COOPER

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short address of Colonel Cooper on the occasion of the dedication of the medical building at Howard University.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, the following address by Col. Wade H. Cooper, president of the Continental Trust Co., Washington, D. C., was delivered Monday, April 9, 1928.

In addition to assistance given to Lincoln Memorial University at Cumberland Gap, Tenn., and other educational institutions, Colonel Cooper was one of the first contributors to the new medical building at Howard University.

His speech delivered on this occasion praised the colored people for the progress they had made since their emancipation and was full of helpful suggestions for maintaining harmony between the races. Colonel Cooper is a southern man, and his speech is therefore so unusual that I think it deserves to be inserted in the RECORD.

DEDICATION OF THE MEDICAL BUILDING AT HOWARD UNIVERSITY, WASHINGTON, D. C.

Mr. Chairman, ladies, and gentlemen, we have all had some unpleasant experiences during our lives, but these unpleasant experiences have been more or less counteracted by the more pleasant experiences of life.

On the 4th day of last July, at the flag raising of the Shelter Harbor Country Club, Shelter Harbor, R. I., between Newport and Watch Hill, known as the Land of the Last of the Mohicans, near the very spot where King Philip made his last stand for supremacy in this country, I delivered a regular Fourth of July oration to a large assembly gathered from all over New England. I had a wonderful reception and regarded the occasion as one of the most pleasant of my life.

From Rhode Island I journeyed westward to the State of Minnesota, where on Lake Minnetonka and Lake Minnehaha, the land of Longfellow's Hiawatha, I enjoyed a most pleasant outing. Thence I journeyed westward again to the Dakotas, Montana, Wyoming, California, Oregon, Washington, and finally by boat over the beautiful Puget Sound to Victoria and Vancouver in British Columbia. All of this was fine. But let me tell you, nothing was finer or more pleasing to me than the moment when I stepped from the Baltimore & Ohio train in our own Union Station in our own beautiful National Capital.

When your distinguished president came to my office and requested me to give him a contribution of \$1,000 toward the erection of this medical building, I did not hesitate a minute. With pleasure I handed him my check for the sum of \$1,000.

And nothing pleases me more than to be able to appear here to-day and pay tribute to the heroic colored men and women whose names are inscribed upon this tablet to perpetuate their memories for having made possible the erection of this magnificent medical building by their different contributions.

In this connection and at this time, I also desire to make mention of the John R. Francis scholarship fund of \$2,500 donated by Mrs. Bettie G. Francis in memory of her husband on May 26, 1926, the proceeds of which are to be used for the maintenance of the John R. Francis scholarship fund of the medical school. Doctor Francis was a member of the faculty of the school of medicine during the nineties.

I also wish to make mention of a bequest of \$2,500 made May 31, 1922, under the will of Dr. George W. Cabaniss, member of the medical class of 1890, for the establishment of the George W. Cabaniss medical scholarship fund. This bequest was paid in full during 1925.

Both of the above funds show the desire of the respective donors to be helpful, and these funds, as well as the other funds contributed, mean much more for this medical school than can possibly be expressed, for the good they will do will go on, and on, and on, until time shall be no more.

This tablet is in itself a great monument not only to the people whose names are inscribed thereon, but to the people from whom they came, to the people whom they represented, all the colored people of this great country, and the entire Negro race.

This tablet represents all the noblest, best, and truest sentiments of the human heart. This tablet represents sacrifice, self-denial, devotion, courage, determination, industry, integrity, frugality, economy, love, and charity.

The poet hath truly said:

"That man may last but never lives,
Who much receives but nothing gives;
Whom no one loves, whom no one thanks,
Creation's blot, creation's blank."

There is nothing finer or better than the desire of one human being to be helpful to another; there is nothing finer or nobler than the desire to these people to be helpful to their fellows by contributing and making possible the erection of this great medical building, where young men from different parts of the country may come and, by faithful application, qualify for administering to sick and suffering humanity.

This tablet represents more than what I have said, for it represents the progress of the Negro race since the immortal emancipation proclamation by Abraham Lincoln in January, 1863. I know of no race of people in all history, from the very earliest dawn of authenticity down to this very hour, which has made the progress that the colored people have made in this country within the past 50 or 60 years.

No statement to which mortal man ever gave utterance is truer than the statement of Abraham Lincoln, when he said: "This Nation can not endure one half slave and the other half free." And let me say here and now that if this Nation is to endure, it will have to endure as the result of our desire to help and not hurt each other. It will have to endure as the result of helpful cooperation and not dissension and strife.

The oldest republic of which recorded history gives us any account is the Hebrew Commonwealth, under the administration of Moses, one of the greatest, if not the greatest, lawgiver of all time. Then follows the ancient republics, including the Cathaginian Republic, the Lombard League, the Athenian Republic, the Roman Republic, the Venetian Republic, the Florentine Republic, the Achaean League, the Boeotian Confederacy, and the Aetolian League.

The Venetian Republic lived for about 1,300 years, having endured longer than any other of the ancient republics. The Florentine Republic lived for about 450 years, or the shortest lived of any of the ancient republics.

Therefore, if our own Republic should live for 300 years more, it will then only have lived as long as the life of the shortest of the ancient republics, the Florentine Republic.

I am proud of my relations with the colored people, for they have always been pleasant and peaceful. I have always found that if you will help the colored man he will help you. Be true to him and he will be true to you. Some of my most faithful and devoted friends from childhood have been my colored friends. God bless them.

I am proud of the fact that no colored man has ever fired upon the flag of our country and that no colored man has ever betrayed our country—a record of patriotic devotion and loyalty likely unequaled in the history of the world.

There is nothing truer than the statement of St. Paul: "Whoever sows a man sowing, that shall he also reap."

You have been sowing good seed; keep it up, and in due season you will be able to reap a wonderful harvest. Do not be drawn aside from the main thing—the supreme thing—the wonderful harvest ahead of you, by trifling matters, but continue to improve, continue to move forward in every line, continue to equip yourselves; and when you are fully equipped you need not worry, for the whole world and all its opportunities await you.

And let us ever remember that "eternal vigilance is the price of liberty."

As I emerged from Westminster Abbey in London some time ago I stood with uncovered head before the statue of Abraham Lincoln, whose name I regard as the very synonym of liberty, freedom, and justice. And while Mr. Lincoln laid down his life in freedom's cause, let us remember that freedom can not walk alone, that freedom can not stand unsupported, that freedom must be sustained in order to be maintained, that in order to have freedom we must play the part of real freemen, that we must prove ourselves worthy of freedom, that we must show ourselves worthy of the esteem, respect, and confidence of our fellow-men, that we must be real men, men of courage, character, and capacity, loyal and faithful to our friends, our families, our neighbors, our country, and our God, and I know of no better method of displaying these qualities than by sustaining and supporting Howard University, its medical school, and all its other departments, as the university with all its departments is striving to do those very things that are so necessary and essential to make real men, men worthy of that freedom with which you have been so abundantly blessed.

One of the greatest documents in all history, the document which meant more for human liberty, human rights, and human justice than any other, until the immortal Emancipation Proclamation by Mr. Lincoln in January, 1863, was Magna Charta, when the people wrested their rights from King John at Runnymede. One article of about one dozen words in Magna Charta guaranteed to man every right which he could hope to enjoy. It was this:

"We will not deny, delay, or sell justice to any man."

And, while Magna Charta is a very long document, all these other articles were merely methods prescribed for sustaining and maintaining the article to which I have just referred. For instance, from Magna Charta we derived our celebrated writ of habeas corpus, from Magna Charta we derived our right of trial by jury, and, while we talk about our own Declaration of Independence and our great Constitution and Thomas Jefferson, George Washington, Benjamin Franklin, and John Adams, all our institutions are likely based upon the declarations contained in Magna Charta.

But these rights by these Englishmen were not attained in a night or by a hurried fight—not at all—but by centuries of preparation. These Englishmen wrought and taught and fought all over the British Isle before they ever succeeded in wresting their rights from the king, and from that day to this Englishmen have been ever jealous in safeguarding their liberties, which means that we must be equally as jealous in safeguarding our own.

Let us ever be clean and correct in our habits, physical as well as mental. Cicero said, "Mental stains can not be removed by time nor washed away by any waters." Let us be clean and clear in our thoughts as well as our actions. And, above all, let us not be narrow-minded bigots.

The Negro, the Jew, and the Catholic can all stand the Ku-Klux Klan, but America can not stand it and will not stand it, for there is no place on the soil of America for any such a hooded organization. You do not have to worry about the Klan, for it will fall of its own dead weight.

In conclusion, let me say that after all the only real democracy is a democracy of education, a democracy of intelligent information.

Goethe said, "One of the prime requisites of genius was a desire to know the truth, a passion for the truth." Holy Writ tells us, "Ye shall know the truth, and the truth shall make you free."

Howard University is striving to educate and enlighten her children, striving to ascertain the truth, and with her and her people all of us ought to be able to join joyfully in the old Latin maxim: "Non nobis solum sed patria et amicus" (not for ourselves alone, but for our friends and our country).

ORDER OF BUSINESS

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. TILSON. Reserving the right to object, will the gentleman withhold his request until I can submit a request, and then I shall make no objection to the gentleman's request.

Mr. BANKHEAD. My object was to try to secure some information from the Republican leader, if the gentleman has no objection to my asking him a question or two in my time.

Mr. TILSON. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, I have asked this time for this reason: We have had a very important legislative program pending here under a special rule, the Mississippi flood control bill, in which not only the entire country is very largely interested, but also the entire membership of this House. We proceeded with the general debate on the bill until it expired and we reached the time for consideration of this very important measure under the five-minute rule. It then developed, for some reason with which most of us are not acquainted, that certain negotiations were being undertaken by somebody in some way for the purpose of effectuating some purpose. I would like to inquire of the leader of the majority if he would be willing to acquaint the House with just what is being done to delay the consideration of the flood-control measure; what conferences, subterranean or otherwise, are taking place with reference to it, in order that we may become acquainted with the real situation, if the majority leader cares to take the House into his confidence on the question.

Mr. TILSON. There have been no subterranean conferences whatsoever, so far as I know. There have been conferences with members of the Flood Control Committee and others looking to an agreement as to certain points concerning which there have been differences of opinion. These conferences are still going on. I was before the Committee on Flood Control half an hour ago, and that committee was then considering the question of flood control. The distinguished minority leader was also present, and by a unanimous vote of that committee the minority leader and myself were asked to request that the consideration of this bill might go over until Monday, in the belief that the House will then be better able to consider the bill and that better legislation will probably eventuate by further conferences. This is all I know about it.

Mr. BANKHEAD. I will say to the gentleman, my inquiry is not at all critical. I do not interpose the question in any obstructive sense, but there are a great many of us here upon the floor of the House who have not been taken into the conferences of the negotiators on this question who are really anxious to find out what is the real situation, and I assume that when the gentleman says that conferences have taken place he means between representatives of the legislative branch and the executive branch of the Government.

Mr. TILSON. To a certain extent, yes.

Mr. BANKHEAD. In order to try to iron out, if possible, some of the objections of the Executive to this measure as reported?

Mr. TILSON. That is correct.

Mr. BANKHEAD. Can the gentleman from Connecticut give us any reasonably definite assurance that the measure will be proceeded with on Tuesday or Monday of next week?

Mr. TILSON. It is expected that it will come up Monday. I am sure that it was the expectation of the committee when they asked me to request that the consideration of the bill might go over to-day that the bill would be considered on Monday.

Mr. BANKHEAD. Of course, all of us who are interested in this measure hope some agreement can be reached to effectuate the purpose, and the only purpose of my inquiry was to get some information about the situation.

Mr. TILSON. I have given the gentleman substantially all I know about it.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GARRETT of Tennessee. The situation as described by the gentleman from Connecticut to the extent that the request was made by the Flood Control Committee that the program go over until Monday is correct. As to the conferences outside, I know nothing. The situation of Tennessee has been so repeatedly explained here that it is not necessary to explain it again. It is the only case I have ever known of in which the court, the jury, and the spectators all were for a proposition, and yet unable to work it out in the way I want it worked out. [Laughter.]

Mr. GARNER of Texas. Mr. Speaker, while we are on this matter I want to ask the gentleman from Connecticut a question. I do not know—for he has not gone into the question—as to what object is being arrived at. The bill passed the Senate, was reported by the committee of the House, and was being considered. In the meantime the Chief Executive of the Nation gave out a statement in which he requested the country to prevent the graft of the railroad and the lumber interests and others from overreaching Congress and passing some legislation detrimental to the country. I would like to know whether that influence has been sufficient to reach the organization in the House as to what shall be done, since the other body unanimously passed the bill.

Mr. TILSON. The gentleman from Texas does not propound a fair question at all.

Mr. GARNER of Texas. It is a fact, the press gave out the statement and put it in the President's mouth, and nobody has denied it—that this bill that passed unanimously in the Senate, 70 Senators voting for it and not a single vote in the opposition, was tainted with graft—was obtained by collusion between the railroads and the lumber interests.

Mr. TILSON. No such question as the gentleman has discussed has been considered in any conference that I have attended. Every conference I have attended has had as its object to arrive at a conclusion that will serve the purpose for which we are attempting to legislate, and at the same time properly safeguard the interests of the Government and the taxpayer. This has been the only object of all the conferences.

Mr. GARNER of Texas. I want to congratulate the gentleman from Connecticut on coming over to this side of the House and getting wisdom, statesmanship, and honesty. [Laughter.]

Mr. TILSON. Well, if a Democrat does happen to have a good idea occasionally, I am perfectly willing to profit by it. [Laughter.]

Mr. SCHAFER. Mr. Speaker, if the gentleman will yield, after listening to the Democratic floor leader you would be led to believe that the entire Democratic membership of the House was in favor of the bill as reported out by the committee, but when you look into the RECORD of the debate you find much opposition from the Democratic side to certain provisions.

Mr. TILSON. Mr. Speaker, by unanimous vote of the Flood Control Committee it is requested that the consideration of that bill go over until Monday. I therefore ask unanimous consent that the House consider as in Committee of the Whole unobjected bills upon the Private Calendar, beginning at the single star.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House consider as in Committee of the Whole the Private Calendar, beginning at the single star. Is there objection?

Mr. WARREN. Reserving the right to object, I am going to ask the gentleman from Connecticut to modify his request by beginning at the single star and concluding at Calendar No. 444. That will give us an opportunity to consider 40 bills. I am endeavoring to go over each one of these bills as carefully as I can, and I will say that I have not had an opportunity to examine the bills beginning with Calendar No. 444.

Mr. LA GUARDIA. It has occurred to me that we can take up the Private Calendar with the understanding that only unobjected bills will be considered, and that will require only one objection.

Mr. WARREN. I will say to the gentleman that I dislike to object to a bill that I have not had the opportunity to read.

Mr. LA GUARDIA. It would retain its place on this calendar.

Mr. TILSON. The bills objected to on the Private Calendar retain their place. It is not like the Calendar for Unanimous Consent.

Mr. WARREN. I understand that; but I dislike to object to a bill that I have not had an opportunity to read or look at the report, and therefore I hope the gentleman will modify his request.

Mr. TILSON. I will say that I am trying to take advantage of every opportunity to consider the Private Calendar. I dislike to have the session of Congress come to an end without giving everyone an opportunity to have his bills on the Private Calendar considered. I am simply trying to take advantage of every hour when not engaged in something else more important to consider this calendar. If we must stop at Calendar No. 444, I fear that we shall only take a small part of the time and that the rest of the day will be practically wasted.

Mr. LA GUARDIA. I suggest to the gentleman from North Carolina [Mr. WARREN] that I am sure no Member who has a bill on the calendar can object to any Member asking that it go over without prejudice when the calendar is called suddenly in this way. I do not think that prejudices a bill in any way.

Mr. GARNER of Texas. Mr. Speaker, may I make a suggestion to the gentleman from Connecticut? If I understand it, the gentleman from North Carolina [Mr. WARREN] has examined only 40 of these bills, or at least up to Calendar No. 444. When we reach that point, why not take up the Consent Calendar? The Consent Calendar is very much congested, and it will take more than two days outside of suspensions to get anything like through the present Consent Calendar. I called it to the Speaker's attention this morning. If we are going to start suspending the rules at 3 o'clock on every other Monday, we will never get through with the Consent Calendar. Suppose we consider the Private Calendar up until Calendar No. 444 is reached, and then take up the Consent Calendar.

Mr. LA GUARDIA. Oh, Mr. Speaker, the Consent Calendar contains bills of great importance. They are public bills.

Mr. GARNER of Texas. If the gentleman is not prepared to go on with that calendar, very well.

Mr. LA GUARDIA. I am not prepared to go on with that to-day at all.

Mr. TILSON. Will my friend from North Carolina [Mr. WARREN] withhold his objection for the present?

Mr. WARREN. Mr. Speaker, I withhold the objection, reserving the right, when we reach Calendar No. 444, to object to further consideration.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. BULWINKLE. It will be necessary on account of the Private Calendar to have some night sessions, and we might as well put in this time now.

Mr. TILSON. That is the reason I make this request. We shall probably have to have long sessions, and, perhaps, night sessions, in order to give everyone a chance to have his bills on the Private Calendar considered. I am hoping that we may use such time as comes to us unexpectedly, like to-day, in the consideration of that calendar.

Mr. MONTAGUE. And the gentleman suggests that we begin at what point?

Mr. TILSON. From the star where we left off yesterday, and go right on with bills that are unobjected to.

Mr. MONTAGUE. And by that the gentleman means to consider bills that require three objections?

Mr. TILSON. No; just one objection.

Mr. CHINDBLOM. Can the gentleman say whether it is the purpose, in any event, to proceed to the consideration of any other business to-day than the Private Calendar?

Mr. TILSON. There is nothing else ready. To do so would be taking Members by surprise. I do not think that would be fair. I shall move to adjourn and lose the time rather than to do that.

Mr. HASTINGS. Mr. Speaker, that is the question that I was about to ask, so that we may be sure nothing will be taken up other than the Private Calendar.

Mr. TILSON. It is not my purpose to take up anything else of importance unexpectedly, as this would be.

Mr. WARREN. Mr. Speaker, the gentleman of course understands that I have been asked to attempt to do this work, and it is entirely impersonal with me.

Mr. TILSON. I quite understand, and I think the gentleman is doing excellent work.

Mr. WARREN. I can not agree to consider these bills when I have not had the opportunity to go into them. Therefore I shall object to any agreement that takes up any bill after Calendar No. 444.

Mr. SCHAFER. The gentleman does not have to object to any bill that he has not studied. He can ask unanimous consent that it be passed over without prejudice.

Mr. WARREN. While I am attempting to do this, I think I ought to have the opportunity of reading the bills and the reports before undertaking to consider them in the House.

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent to proceed for a moment. I desire the attention of the gentleman

from North Carolina. I have a bill on the Private Calendar in which I am interested merely from the standpoint of desiring to help a man who has rendered faithful and efficient service to his Government in time of war and who later re-enlisted, as he states, under a distinct promise that he would be returned to the Philippines for the remainder of the period. He claims that the Government violated that agreement, and he left the service. I want recognition for the faithful service he rendered in time of war, regardless of his later record. Will the gentleman from North Carolina object to the consideration of bills of that character to-day?

Mr. WARREN. What is the calendar number?

Mr. SPEAKS. It is Calendar No. 411.

Mr. VINSON of Georgia. But that comes within the number that the gentleman from North Carolina agreed to consider.

Mr. TILSON. Mr. Speaker, if the Members of the House do not wish to use the time in this way, of course there is but one thing we can do, and that is to adjourn. I dislike very much to do it, and I wish to have the responsibility placed where it belongs.

Mr. SPEAKS. Mr. Speaker, I desire to say that statement does not correctly represent the attitude of the membership of this House.

Mr. TILSON. I had no reference whatever to the gentleman from Ohio.

Mr. DYER. Regular order, Mr. Speaker!

The SPEAKER. The regular order is demanded.

Mr. TILSON. Mr. Speaker, is my request granted that we go on with the consideration of the Private Calendar to-day?

Mr. CHINDBLOM. Will the gentleman from North Carolina [Mr. WARREN] permit this request to be granted as made, and when we reach Calendar No. 444, if the gentleman feels as he does now, rise and say he will object to further bills being considered? That will end the proceeding.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut that the House shall consider the Private Calendar?

There was no objection.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill S. 1181, authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

The SPEAKER. The gentleman from Iowa calls up a conference report, which the Clerk will report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181), authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "available July 1, 1928, \$2,000,000; available July 1, 1929, \$3,000,000; available July 1, 1930, \$3,000,000; in all for this period, \$8,000,000, to be available until expended"; and the House agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,

Managers on the part of the House.

CHAS. L. McNARY,
HENRY W. KEYES,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1181), authorizing an appropriation

to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, submit the following written statement in explanation of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill authorized an aggregate appropriation of \$40,000,000 to become available over the period from the passage of the act to July 1, 1936. The amendment of the House provided an aggregate of \$4,000,000, one-half of which was to become available July 1, 1928, and one-half to become available July 1, 1929. The conferees agreed upon a substitute provision authorizing a total appropriation of \$8,000,000; \$2,000,000 to become available July 1, 1928, \$3,000,000 July 1, 1929, and \$3,000,000 July 1, 1930.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,

Managers on the part of the House.

Mr. SNELL. Mr. Speaker, perhaps it would be well to have a word of explanation concerning this bill. I could not catch it from the reading.

Mr. HAUGEN. Eight million dollars is authorized, of which \$2,000,000 is to be available on July 1, 1928.

Mr. SNELL. What for?

Mr. HAUGEN. Under the Weeks Act. Two million dollars is to be available.

Mr. CHINDBLOM. Will the gentleman tell us what the legislation is?

Mr. HAUGEN. To authorize an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, to enable the States to cooperate for the protection of the watersheds of navigable streams.

Mr. SNELL. What is the effect of the amendment?

Mr. HAUGEN. The effect of the amendment is that the House authorized \$4,000,000 and the Senate \$40,000,000, and the conferees agreed upon \$8,000,000, \$2,000,000 of which is to be available on July 1, 1928.

Mr. SNELL. Is that similar to the McSweeney bill?

Mr. HAUGEN. Not exactly similar. This is for the purchase of land.

Mr. SNELL. It does not cover the same proposition as the McSweeney bill?

Mr. HAUGEN. No. The McSweeney bill provides for the administration of the law and additional funds beyond what has been appropriated before.

Mr. SNELL. The bill provides for an expenditure of \$8,000,000?

Mr. HAUGEN. Yes. The House bill provides for \$4,000,000 and the Senate recommended \$40,000,000, and the House agrees upon \$8,000,000. The Senate bill from the present time up to the year 1946 provides for a total of \$40,000,000.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

VALIDATION OF APPLICATIONS FOR PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11020, validating certain applications for and entries of public lands, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 11020, with Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11020) validating certain applications for and entries of public lands.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar, beginning with the star.

LAGRANGE GROCERY CO.

The first business on the Private Calendar was the bill (H. R. 7898) to ratify the action of a local board of sales control

in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman from Georgia state whether this is simply to ratify a settlement made between the War Department and the purchasers of these surplus supplies?

Mr. WRIGHT. Absolutely. This was referred to what is known as a local board of sales control, an organization created by the War Department under authority of law. This local board of sales control made a thorough investigation and report, and my constituent, the Lagrange Grocery Co., accepted that, paid the money they said should be paid, and received the goods.

Mr. LAGUARDIA. Did the law provide that such a settlement would have to be ratified by an act of Congress?

Mr. WRIGHT. No; it did not.

Mr. LAGUARDIA. Then why should we ratify it now?

Mr. WRIGHT. The whole trouble arose by reason of a ruling of the Comptroller General.

Mr. LAGUARDIA. Did he hold that the board was not authorized to make this settlement?

Mr. WRIGHT. I presume that is what he held.

Mr. LAGUARDIA. But the board was created by act of Congress?

Mr. WRIGHT. Absolutely; it was a Government organization.

Mr. LAGUARDIA. And this will close the deal as between the Government and the grocery company?

Mr. WRIGHT. Absolutely. It simply ratifies what this board did.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That inasmuch as the Lagrange Grocery Co., of Lagrange, Ga., in disposing of 10,000 cotton undershirts, 10,000 cotton undershirts, 2,000 cotton undershirts, 5,000 shoe brushes, 5,000 shoe brushes, and 1,000 shoe brushes purchased from the United States Government under sales contracts Nos. SE-5428, SE-5427, SE-5251, SE-5625, SE-5624, and SE-5623, respectively, entered into between the United States and the said Lagrange Grocery Co. on February 6, 1922, has adjusted its sales prices in reliance upon the action of the local board of sales control of the War Department in reducing and fixing the price to be paid by the said Lagrange Grocery Co. under such contracts, such action of such board is hereby ratified on behalf of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CITY OF PARK PLACE

The next business on the Private Calendar was the bill (H. R. 10218) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Texas that I do not doubt in the least that there is a great deal of merit in the claim of this municipality, but let me submit to the gentleman, who is a member of the Committee on Military Affairs, that if we establish the precedent that any municipality, city, or township which may have had its streets torn up by reason of the traffic of military trucks we are establishing a very dangerous precedent. My own city could come in and claim a million dollars.

Mr. GARRETT of Texas. Let me say to the gentleman that we have already established this precedent in a number of instances. There are several counties in the United States that have been paid for damage to their streets and highways, one or two in Texas, I think in Mr. CONNALLY'S district.

Mr. LAGUARDIA. Were they not cases where the road was used exclusively for military traffic?

Mr. GARRETT of Texas. Oh, no; they were regular highways built by the counties and erected by the counties.

Mr. KNUTSON. Was not Maryland reimbursed for damage to her pavements in connection with Camp Meade, through Representative ZIEHLMAN?

Mr. GARRETT of Texas. There have been quite a number of them. Let me say to the gentleman from New York that the board which was created immediately after the war passed on this claim and said that in their opinion the city should be reimbursed in this amount, and recommended it. It came up to the board in Washington and they turned it down on a question of law. They said they did not think a municipality had the right to make claims for damages done to its streets or highways.

Mr. LAGUARDIA. Suppose New York City should come in with a claim for wear and tear on its pavements by trucks connected with Army posts around New York and connected with many military activities during the war. If that were done, it would run into millions of dollars, and every large city could follow that procedure.

Mr. GARRETT of Texas. I will say to the gentleman that might be true, but this has already been done in a number of cases. Now, whether the Court of Claims is going to hold with the board that held that as a matter of law they were not entitled to any damages is an entirely different question. All I am asking is that this matter be referred to the Court of Claims.

Mr. LAGUARDIA. The gentleman from Minnesota has referred to the case of Maryland and the gentleman from Texas has referred to other cases in the State of Texas. Were they not disposed of by direct appropriations?

Mr. GARRETT of Texas. They came out of our committee. I did not have this referred to my committee but to the Committee on War Claims.

Mr. LAGUARDIA. And there were direct appropriations in those cases?

Mr. GARRETT of Texas. Direct appropriations were authorized.

Mr. LAGUARDIA. Is this the first case that will go to the Court of Claims?

Mr. GARRETT of Texas. It is the only one I know of.

Mr. LAGUARDIA. I am willing to take the chance that the Court of Claims will hold against you. That is our only hope, otherwise the doors are wide open.

Mr. HUDSON. This has been denied by the board of appraisers, has it not?

Mr. GARRETT of Texas. It has been allowed.

Mr. HUDSON. No; it has been denied.

Mr. GARRETT of Texas. At Washington; yes; but the board of appraisers at Ellington Field, the officers who were convened there, allowed it.

Mr. HUDSON. I find this language in the report:

The case was reviewed under date of October 8, 1919, by the War Department board of appraisers, which recommended that the claim be denied, on the ground that it is not within the power of the municipality to collect damages from the owners of cargo vehicles of ordinary and well-recognized types when the street surface is damaged by the lawful passage of such vehicles, however frequent.

Mr. GARRETT of Texas. The board at Washington held that. They reversed the board at Ellington Field. The board there allowed the claim, but when the claim was sent up here this board reversed the board at Ellington Field.

Mr. LAGUARDIA. I think the law laid down by the board is correct.

Mr. GARRETT of Texas. If that be true, the case will go out on a demurrer in the Court of Claims.

Mr. LAGUARDIA. Can you demur in the Court of Claims?

Mr. GARRETT of Texas. As I understand, you can plead anything there you can plead anywhere else.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Court of Claims be, and it is hereby, authorized and directed to hear and determine the claim of the city of Park Place, Tex., heretofore an independent municipality but now included within the extended corporate limits of the city of Houston, Tex., for compensation for the destruction of the streets of the said city of Park Place by the Army trucks of the United States in the years of 1917 and 1918. Said claim shall not be barred by any statute of limitations nor because of the fact that the claimant was at the time of the injury a separate municipality and now a part of the city of Houston, Tex.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

P. L. ANDREWS CORPORATION

The next business on the Private Calendar was the bill (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

OLD DOMINION LAND CO.

The next business on the Private Calendar was the bill (S. 2926) for the relief of the Old Dominion Land Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ETHEL L. SAUNDERS

The next business on the Private Calendar was the bill (H. R. 17116) authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Ethel L. Saunders, of St. Cloud, Fla., for lot 3 of section 10, and lot 3 of section 11, township 26 south, range 31 east, Tallahassee meridian, a part of the lands embraced in homestead application (Gainesville 017626), filed June 18, 1924. The Secretary of the Interior is also authorized and directed, upon payment of \$1.25 per acre, to issue a patent to said Ethel L. Saunders for lot 5 of section 11, township 26 south, range 31 east, also claimed by said Ethel L. Saunders under a settlement antedating the survey of the lands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOE W. WILLIAMS

The next business on the Private Calendar was the bill (S. 484) for the relief of Joe W. Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Joe W. Williams, of Chipley, Fla., the west half of the west half of section 19, township 7 north, range 12 west, Houston County, Ala., upon payment by the said Joe W. Williams to the United States of the sum of \$1.25 per acre at any time within 90 days after the enactment of this act: *Provided,* That upon default on the part of said Williams in making such payment within said period, all rights hereby conferred shall lapse.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN M. KING

The next business on the Private Calendar was the bill (H. R. 3222) for the relief of John M. King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, who is interested in this bill?

Mr. DICKINSON of Missouri. I am.

Mr. LAGUARDIA. The department states that repeated effort has been made to locate the records to show that this man did not desert or that he was sick, as he states, with measles which affected his eyesight. It does not appear that this man really was engaged in active service at any time during the period of the war. I really do not see any merit in the bill.

Mr. DICKINSON of Missouri. But he was in the service when he was taken sick with measles and was sent home by authority of the military doctor and the disease was contracted in the service. The measles settled in his eyes and permanently injured his eyesight and rendered him unfit for further military service. He was given permission to return home by the battalion doctor and remained continuously at his home near Dadeville, Dade County, Mo.

Mr. LAGUARDIA. The gentleman is reading from the report?

Mr. DICKINSON of Missouri. I am reading from the report, and that statement is taken from the testimony of men who knew him and who served with him and are familiar with the facts.

Mr. LAGUARDIA. The records of the department state that nothing has been found of record to show that he was sick or under medical treatment at any time during the period of his actual service.

Mr. DICKINSON of Missouri. But I want to call the gentleman's attention to the fact that the records in the Civil War were not kept as well as they were in the later wars, and you have got to establish some of these things by those who are familiar with the facts.

Mr. LAGUARDIA. I think it is really surprising how well the records were kept.

Mr. DICKINSON of Missouri. The testimony here is from parties who served with him in part, and these reputable people have sworn to the facts in the case, and I think the record of this old man, who is now deceased, ought to be permitted to be corrected.

Mr. LAGUARDIA. If the gentleman pleases, he is supposed to have been mustered in the service on September 1, 1861. On the company roll covering the period from July 1 to September 1, 1861, he is reported absent on leave of absence to protect his property, and on the muster roll dated October 31, 1861, he is reported present. Now, we have one month there.

Then on December 31 he was absent without leave. On February 28 the muster roll shows that he refused to be mustered and had left the command. That shows that there were pretty good records kept at that time. Giving him the benefit of the doubt, he only served about 30 days in camp.

Mr. DICKINSON of Missouri. That was in another service. He seems to have been in two services. There is most overwhelming testimony about his condition, and his being sent home by direction of the doctor because the measles had settled in his eyes and he was not able to serve. I hope the gentleman will not object.

Mr. LAGUARDIA. How old is this man?

Mr. DICKINSON of Missouri. He is dead, but his widow is living.

Mr. LAGUARDIA. When did he marry?

Mr. DICKINSON of Missouri. Fifty or sixty years ago.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John M. King, who was a private in Company D, Sixth Regiment Missouri Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

With the following committee amendments:

Line 9, after the word "regiment," insert "September 30, 1862"; same line, strike out all of the proviso and insert in lieu thereof "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REGULATION OF COTTON EXCHANGES

Mr. JOHNSON of Texas. Mr. Speaker, I rise to ask unanimous consent that my colleague [Mr. CONNALLY of Texas] be permitted to extend his own remarks in the RECORD on a bill introduced by him on the regulation of cotton exchanges.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I wish to urge upon your attention a bill introduced

by me (H. R. 10709) to regulate cotton exchanges and to stop gambling and manipulation of the cotton market by fictitious operations and by conspiracy to rob the farmer. It puts the cotton exchanges under regulations as the grain exchanges are now controlled. It provides criminal prosecution for those who violate the law. The present law does not provide penalties and does not afford proper regulation of the exchanges. The Connally bill does not destroy the exchanges, but it provides that their operations must be restricted to legitimate sale and purchases of cotton so that the market may in fact reflect supply and demand, and that the farmer may get a fair and honest price for his cotton.

Gentlemen of the House, it is notorious that during the fall of 1927 the cotton market was scandalously manipulated. In August the cotton estimate was 13,492,000 bales. December cotton on the New York Exchange went to 23.70 cents a pound. Immediately an organized drive was begun to break the market and December cotton was forced down to 18.92 cents. The September estimate was 12,692,000 bales, practically 1,000,000 bales less than the August estimates. By some character of conspiracy or manipulation between certain cotton factors and operators on the New York Cotton Exchange, December cotton was hammered down to 20.23 cents. With 1,000,000 bales less cotton, the price was forced downward to the loss of the farmer, merchant, and banker. The estimate for October was 12,678,000 bales, and in the face of that estimate cotton again declined to 19.4 cents. The November estimate made a slight increase and the December estimate fell 63,000 bales under November. December cotton was beaten down to 17.96 cents, or nearly \$30 a bale below what cotton had sold for earlier in the fall and summer. And yet in August the estimate was 1,000,000 bales more than it was in November. The Connally bill is similar to the Vinson bill, by the gentleman from Georgia. I have no pride of authorship. I shall be satisfied if Congress will pass the Vinson bill or the Connally bill, or any other bill that will properly regulate the exchanges and stop gambling and manipulation. The Connally bill prohibits what is known as "straddling." It prohibits "washing" the market and "shaking out" spot cotton. It prohibits the dissemination of false information and it provides penalties for the violation of the regulations laid down in the act and laid down by the Secretary of Agriculture and the board to govern the exchanges. The Connally bill provides that if a cotton exchange violates the law or regulations it can be suspended or closed. Any operator on the exchange, who violates the law can be denied the privilege of the futures market.

The law of supply and demand in the cotton market during last fall was not permitted to operate by these artificial processes of tendering and retendering the same cotton repeatedly to fulfill future contracts. With no bona fide intention to sell or buy a real bale of cotton manipulators began a campaign to hammer down the market and shake out spot cotton held by producers all over the country. There is a large amount of spot cotton still in the farmers' hands and the object of the drive was to depress the market and to make the producers believe it is going even still lower and shake them out and buy their cotton at ruinous prices.

SUPPLY AND DEMAND

If supply and demand had operated normally, such fluctuation could not have taken place. It is self-evident that some sort of artificial juggling or manipulation operated to hurt the cotton producers, the bankers who held loans on spot cotton, and legitimate cotton merchants.

STABLE PRICE

Stability of price is desirable by the producers and legitimate cotton dealers. Violent fluctuations, up or down, are extremely harmful. It unsettles and disrupts business. Only those who gamble on the future market can be benefited by widely varying prices. A limit ought to be placed on the amount of fluctuation of the market for any single day of 50 points and no more.

FORMS OF MANIPULATION

Big operators on the exchanges, with large resources and much cotton at their command, can bring about manipulation. The same is true of big operators in any commodity. Through "pools" a few big operators can depress or raise the price almost at will. The same thing happens on the stock exchange. Pools ought to be prevented by law and operations on the exchanges ought to be made subject to the antitrust laws.

"Washing the market" takes place when the same firm or group, through its brokers, buys futures and at the same time through other brokers is selling futures. With large stocks of cotton such a scheme can send the market up or down almost

at will. This is a form of "shadow boxing" harmful to the market. "Straddling" is another practice that is harmful. By selling May cotton and at the same time buying October cotton through other brokers, or vice versa, an artificial spreading of prices between the two months is brought about. One month goes up and the other down and the manipulator profits. It ought to be prevented.

CALL COTTON

Much has been said about the sale of cotton on call. A cotton buyer sells spot cotton based on some future month. He delivers his cotton to the big spot operator at a price to be fixed "on call." The seller puts up a margin. The big operator can not lose, because the margin protects him. When the cotton is called the price is fixed by the price of that month on the exchange. The seller takes all the risk.

LOW-GRADE COTTON TENDERED ON EXCHANGES

It is claimed that much of the cotton accumulated at New York for tendering purposes is "half-and-half cotton" of a weak staple, though technically of a tenderable grade. The staple may come within the law, but the cotton is unsuitable, and sometimes rotten. Low-grade cotton when tendered is not accepted, because spinners will not buy it. On the other hand, the tendering of good cotton would assist the market by the absorption of cotton offered. Instead of a staple of seven-eighths inch, as is now permitted for tendering purposes, it should be fixed at fifteen-sixteenths-inch staple.

The Government ought to supervise the operation of the exchanges. They ought to be required to preserve an accurate record of all sales and purchases, and their books should be open to Government auditors. In this way illegal pools and conspiracies to put the market up or down could be detected. The Connally bill limits the tendering and retendering of the same spot cotton on contracts. Cotton when tendered should be merchantable.

Through the operations of the exchanges, the southern cotton farmers during 1927 suffered the loss of millions and millions of dollars. While we may not know without experimenting just what ought to be done, we know that something is radically wrong with the cotton market. If a 13,000,000-bale crop was worth 24 cents, a 12,000,000-bale crop ought not to have sold for \$30 a bale less money. Stricter supervision and inspection of the books of the exchanges will result in much good. Illegal pools and conspiracies can be broken up and punished. To prevent a few big operators from controlling the market a limit ought to be placed on the amount any one firm could buy or sell on the future market in any one month, and, if possible, a proper parity ought to be preserved between each delivery month.

It is the intention of manipulators to make the spot-cotton holders shake out and sell their spot cotton, and once it is sold to the manipulators, once it is in their hands, it will go back to 23 or 24 cents per pound, as it was early in the fall, notwithstanding the fact that the actual production of cotton is practically 1,000,000 bales less than it was in August. The cotton farmers have lost 5 or 6 cents per pound through juggling and manipulation of the market.

Mr. Speaker and gentlemen of the House, the Connally bill puts the cotton exchanges under strict regulation. It gives the Government the power to cancel or suspend their permits to do business if they permit manipulation of the market. It punishes any operator who violates the law or regulations. It prohibits "straddling" and "washing" the market. It restricts operations of the exchanges to legitimate purposes of buying and selling cotton and legitimate operations of that character. The Connally bill will save the cotton farmers millions upon millions of dollars. If you will pass the bill, you will be giving the farmers real relief and you will permit the normal laws of supply and demand to operate.

OLD DOMINION LAND CO.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to return to Calendar No. 404, S. 2926, for the relief of the Old Dominion Land Co., the objection having been withdrawn.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to return to Calendar No. 404. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to certify for payment to the Old Dominion Land Co., from any money in the Treasury not otherwise appropriated, the sum of \$3,314.40, on account of destruction

by the United States of two buildings formerly located on premises leased from the claimant in connection with Camp Hill and Camp Stuart, Va.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELBERT L. COX

The next business on the Private Calendar was the bill (H. R. 10702) for the relief of Elbert L. Cox.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the gentleman from Virginia if all the facts in the case are stated on page 2 of the report?

Mr. WHITEHEAD. Yes; and the letter of the War Department, and the War Department makes no objection to it.

Mr. LAGUARDIA. It was only a technical charge?

Mr. WHITEHEAD. That is all; he was exonerated from any intent to violate the Articles of War.

Mr. LAGUARDIA. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Elbert L. Cox, who was a member of Headquarters Troop, One hundred and thirty-fifth Machine Gun Battalion, Thirty-seventh Division, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a second lieutenant of that organization on the 19th day of August, 1918: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WESLEY JORDAN

The next business on the Private Calendar was House joint resolution (H. J. Res. 77) concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, County of Fairfield, and State of Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the acceptance of the devise and bequest made by Wesley Jordan in his last will and testament to the Government of the United States of America and recorded in volume 34, page 386, of the will records of Fairfield County, Ohio, be declined by the Government of the United States of America, and that the estate of the said Wesley Jordan be, and is, forever discharged from any obligation to the United States of America growing out of said last will and testament of said Wesley Jordan, deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STEAMSHIP "CITY OF BEAUMONT"

The next business on the Private Calendar was the bill (H. R. 8001) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, I would like to ask the gentleman from Massachusetts a question. I notice that the collision occurred on the 19th day of December, 1918. What is the reason for this long lapse of time?

Mr. UNDERHILL. The war principally. We passed a general admiralty bill to cover all such cases back in 1920. This collision antedates that bill.

Mr. HOOPER. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the City of Beaumont Ship Corporation, a corporation existing under the laws of the State of Delaware, owner of the American auxiliary barkentine *City of Beaumont*, is hereby authorized to bring suit in personam against the United States within one year after this act becomes law to recover damages for any injury to the said steamer *City of Beaumont* which may have been caused by the U. S. S. *Westland* on December 19, 1918, and jurisdiction in admiralty

is hereby conferred upon the District Court of the United States in the Southern District of New York, to hear, consider, and determine such suit upon the principles of liability, and in accordance with the practice obtaining in like suits in admiralty between private parties, and to enter a decree or judgment for or against the United States or said City of Beaumont Ship Corporation, including costs and interest at 4 per cent per annum.

SEC. 2. That either said City of Beaumont Ship Corporation or the United States as parties to any suit commenced as authorized above, may offer in evidence testimony heretofore taken on behalf of either of the said parties under any suits in admiralty heretofore pending in the United States District Court for the Southern District of New York, on behalf of said City of Beaumont Ship Corporation against either the steamship *Westland* or the United States of America as owner of the said steamship, the said libels having been excepted to by the United States of America only on jurisdictional grounds, and those exceptions being supported under recent decisions of the United States Supreme Court.

SEC. 3. That the suit herein authorized shall be brought and prosecuted in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as amended in so far as such provisions are applicable thereto, unless otherwise provided herein. The right of appeal and review shall be afforded as now provided by law in like suits in admiralty between private parties.

SEC. 4. That in case a final judgment or final decree is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay such final decree, which shall be paid to City of Beaumont Ship Corporation by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final judgment or final decree.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the claim of the City of Beaumont Ship Corporation, a corporation existing under the laws of the State of Delaware, owner of the American auxiliary barkentine *City of Beaumont*, against the United States of America for damages alleged to have been caused by collision between the said vessel and the U. S. S. *Westland* on the 19th day of December, 1918, may be sued for by the said owners of the *City of Beaumont* in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the City of Beaumont Ship Corporation, or against the said corporation in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal, except that no interest shall be allowed on any claim: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months of the date of the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD TOMLINSON

The next business on the Private Calendar was the bill (H. R. 10261) for the relief of Edward Tomlinson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, this is the bill which the gentleman from Ohio [Mr. SPEAKS] spoke about a few moments ago. This soldier in whom he is interested did serve out one term in the Army. He then enlisted on December 4, 1901, and deserted on March 12, 1902, after a three months' service. He has never been heard of since that time. For that reason I object.

Mr. SCHAFER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. WARREN. Yes.

Mr. SCHAFER. This soldier rendered faithful and honorable service during the Spanish-American War. He left the service without leave after the war period. I do not think this bill will confer any additional pension rights. It is my understanding under the regulations of the Pension Bureau that he

now is entitled to a pension under the act of May 1, 1926, by reason of his Spanish-American War service.

Mr. SPEAKS. Mr. Speaker, I have no special interest in this case, and whatever I may have said in the colloquy which occurred a short time ago referred to the principle involved. After a bill has gone to a committee, has received thorough consideration, and a unanimously favorable report and is sent to the floor of the House, I question the propriety of a Member after a hasty and merely a superficial investigation of the matter taking the responsibility of objecting to its consideration when in regular order it is reached on the calendar. Take the case of this soldier, and it is typical of thousands of them. He served faithfully and received an honorable discharge and returned to the United States from the Philippines. He was urged to reenlist, and consented with the understanding, as he claims, that he should be returned to the Philippines for service. He waited three months for that arrangement to be carried out. He regarded it as a contract between himself and the Government in which he had rights equal to those of the Government. After repeated requests to be returned to the Philippines, which were denied, he left.

I agree that that was not the proper course for him to follow, even though it was a contract, even though right and justice were on his side, what chance had he battling with this great Government without congressional action? Absolutely none. That is the only reason I am interested in his case. He is helpless, even though the equities are on his side. I doubt very much the propriety of the gentleman from North Carolina [Mr. WARREN]—and I agree that he is acting with proper motives—in objecting to a bill under these circumstances.

Mr. LAGUARDIA. Mr. Speaker, I do not think that is a fair statement. I do not think it is fair to doubt the propriety of the gentleman from North Carolina.

Mr. SPEAKS. I do doubt the propriety of this course, although admitting he is within his rights.

Mr. LAGUARDIA. I do not think that is fair. Some of us feel that we have a duty to perform in respect to this calendar and that we must exercise the judgment that we have, whether it is as perfect as the judgment of the gentleman from Ohio [Mr. SPEAKS] or not, and whether it be or not, I do not think it is a question of propriety.

Mr. SPEAKS. Mr. Speaker, in order that the RECORD may be clear, may I proceed for a moment?

Mr. WARREN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Speaker, has my time expired?

The SPEAKER pro tempore. There is no rule of time running.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio be permitted to address the House for five minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. SPEAKS. I do not want five minutes. But since the question is up, I desire to say that on a previous occasion I undertook to obtain favorable action by the House on a bill which had been before Congress for many years. Senator Lodge, Senator Foraker, and other men of high standing in the Congress had made efforts to have the bill considered, but could not get final action because of the same program being followed as at this time.

I went into the case thoroughly, because I was convinced that justice demanded that the case was entitled to favorable consideration. One night when private bills were being considered it was objected to, and I pressed the gentleman who made the objection for some reason. The only reply he could give was that a certain gentleman had asked him to object to all these bills on that particular occasion. I insist that such procedure is not a proper method of conducting legislation. That is all.

E. H. JENNINGS, F. L. JOHANNIS, AND HENRY BLANK

The next business on the Private Calendar was the bill (H. R. 9620) for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, clearly here is a case where the postmaster was under bond. What happened to the bond and what happened to the bondsman?

Mr. HARE. Mr. Speaker, in answer to the gentleman, I wish to say first that I do not happen to be the author of this bill. It is the bill of my colleague from Charleston, S. C. [Mr. McMILLAN], who happens to be away at this time on account of a death in his family. The circumstances in the case are these, if I understand them correctly: The money-order clerk took the money involved some time during the day, the shortage being detected about the close of work hours in the afternoon. As soon as he was detected and he knew that others were aware that he had embezzled this money, he committed suicide. The money has never been located. The Postmaster General feels that the postmaster and the parties named in the bill here may be technically liable, but not legally so, because the post-office officials say that in the course of his duty this young man had access to these funds while performing his regular work, and that they should not be held liable for his misconduct. Now, as I understand it, the Post Office Department raises the question whether or not the bondsman of the postmaster himself could be forced to pay this money.

Mr. LAGUARDIA. Why not, under the provisions of the bond?

Mr. HARE. Because the Post Office Department, through its inspectors, does not claim that the postmaster himself was negligent in any way or responsible for this shortage. This young man had access to these funds in the regular performance of his duties, and there was no negligence on the part of the postmaster or these other employees who were under bond.

Mr. LAGUARDIA. What efforts have the Post Office officials made to assert their rights under the bond?

Mr. HARE. I am not prepared to answer that further than to say that they have investigated the matter and recommend that this bill should pass.

Mr. LAGUARDIA. This matter of releasing bonds is a sort of obsession to me. I think we ought to look into it.

Mr. HARE. We have looked into this case, and other bills of a similar character have heretofore been passed.

Mr. UNDERHILL. Mr. Speaker, in order to avoid taking up the time on similar bills, I make the inquiry how this bill happened to get before the Committee on Post Offices and Post Roads? Perhaps it was because of the policy adopted by the Committee on Claims.

An employee of the post office, whether he be a postmaster or in some subordinate position, gives bond. The bond covers his honesty and integrity rather than that of anyone who is under him. The Government or the individual in private business could not hold the postmaster liable under that bond or the surety liable under that bond if some subordinate employee should default or rob or steal or get away with funds.

Now, we must realize that in public employment, particularly in the Post Office Department, the postmaster has no jurisdiction over whom he shall hire or whom he shall fire. That is done through the Civil Service Commission. They allot certain men, and then they have inspectors to keep guard and watch over the other employees. Now, if one of these subordinates gets away with a lot of money or a lot of securities, under the bond of the postmaster you can not hold him liable, because he performs his duty. He is not liable. If the system is wrong in the Post Office Department, it ought to be corrected. Every subordinate ought to be bonded to the Government or to the postmaster.

Mr. LAGUARDIA. The gentleman from Massachusetts is entirely wrong on the law and the facts, and the proof here is that in this case the bond was held liable and they paid the bond. For that reason I withdraw my objection.

Mr. UNDERHILL. That may be true, so far as that is concerned.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to relieve E. H. Jennings, F. L. Johanns, and Henry Blank of the payment of the sum of \$2,011.03 each, to cover shortage of funds embezzled by H. H. Carter, a money-order clerk, while on duty in the Charleston post office, occurring on March 26, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

The next business on the Private Calendar was the bill (H. R. 10957) to amend the act entitled "An act for the relief of con-

tractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920, be, and the same is hereby, amended so that said act shall include W. H. Stillwell, of Savannah, Ga., the contractor for the United States post-office building erected at Burlington, N. C., and, as to said W. H. Stillwell, contractor, claims for reimbursement as provided by said act of August 25, 1919, as amended by act of March 6, 1920, may be filed within three months after the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DAVID J. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 6780) for the relief of David J. Williams.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, here is another case where an employee was short in his account.

Mr. SCHAFER. No. This is a robbery case.

Mr. JOHNSON of Washington. This is a case of burglary by bandits.

Mr. Speaker, I ask unanimous consent to substitute bill S. 463, which is on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that Senate bill 463 be substituted for the House bill, which is identical with the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of David J. Williams, of Tacoma, Wash., formerly collector of internal revenue for the district of Washington, in the sum of \$22,160.78, due the United States on account of loss of public funds stolen from the internal revenue office at Seattle, Wash., March 16, 1920.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANK HANLEY

The next business on the Private Calendar was the bill (S. 802) for the relief of Frank Hanley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, if my understanding is correct, when this man went to join his ship he found the ship had sailed?

Mr. WILLIAMS of Missouri. Yes. That is the case.

Mr. SCHAFER. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of laws conferring rights and privileges upon honorably discharged soldiers or sailors, Frank Hanley shall be held to have been honorably discharged from the naval service as a landsman on board the U. S. S. *Yantic* on November 20, 1865: *Provided,* That no back pay, compensation, or other benefit shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLES R. SIES

The next business on the Private Calendar was the bill (H. R. 4012) for the relief of Charles R. Sies.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask my colleague from California how he overcomes the objections raised by the Navy Department, first:

It will be noted that Chief Pay Clerk Sies is not eligible for consideration under the terms of the above-quoted provision of law for the reason that he was retired prior to December 31, 1921.

And, secondly, that other bills of a like nature have been unfavorably reported by the department.

Mr. EVANS of California. He comes within the period of some few days in the change of the law. He is the only officer who was retired while serving under a temporary appointment and not retired under that rank. He was serving under a temporary appointment as lieutenant in the Navy, and while thus serving he was permanently and totally disabled. He is paralyzed from his waist down and incurred that disability in line of service. He is the only officer who was not retired under the act which is quoted in the report, as follows:

Any officer of the regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank.

He was retired on December 5 while this was made effective as of December 31. He is the only officer who has not the rank which he held at the time he was retired.

Mr. LAGUARDIA. It makes a difference of \$390 a year?

Mr. EVANS of California. Yes. This man is totally paralyzed from his waist down.

Mr. LAGUARDIA. Instead of providing that the bill shall take effect on March 4, 1925, why not provide that it shall take effect immediately after the passage of the act?

Mr. EVANS of California. Because he is really entitled to it, and this \$390 a year means a great deal to this man.

Mr. LAGUARDIA. Was he incapacitated in line of duty?

Mr. EVANS of California. Yes. He is paralyzed, and is as dead as a stick from his waist down.

Mr. SCHAFER. Is it not a fact that the Secretary of the Navy generally fails to favorably report on bills such as this as a matter of policy, and that the Naval Affairs Committee considered this bill on its merits?

Mr. EVANS of California. There was not a bill before our committee, when I have been present, that has had the unanimous support that this bill had when it came up. An officer from the Navy Department came before the committee and recommended its passage.

Mr. LAGUARDIA. How long was this man in the service?

Mr. EVANS of California. I believe for several years. He is now 48 years of age.

Mr. SCHAFER. He was in the service during the war?

Mr. EVANS of California. Yes. He was in the service for a great many years.

Mr. HALE. The Navy Department has not made an unfavorable recommendation as to this bill. They simply do not take a position on it one way or the other. The reason why they did that, as appears in the hearings, is because the Budget reported that it would be in conflict with the President's financial program.

Mr. LAGUARDIA. Well, \$390 a year might unbalance our Government.

Mr. HALE. So far as the Navy Department is concerned, it is in favor of this bill, as I think the record of the hearings will show.

Mr. LAGUARDIA. How much is this officer drawing in retired pay now?

Mr. EVANS of California. His rank is now chief pay clerk and this will advance him to the rank of lieutenant.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, although this bill apparently is in conflict with the President's financial program, according to the Director of the Budget, I will rely on the recommendation of the Naval Affairs Committee, because their report shows that this is a very meritorious measure, and I certainly will not object to its consideration.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Chief Pay Clerk Charles R. Sles, United States Navy, retired, shall be advanced on the retired list to passed assistant paymaster with the rank and retired pay and allowances of a lieutenant on the retired list of the Navy. Such rank shall take effect on March 4, 1925, and such pay and allowances shall be paid from and after such date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FREDERICK O. GOLDSMITH

The next business on the Private Calendar was the bill (H. R. 4440) for the relief of Frederick O. Goldsmith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$1,150.95 to Lieut. Frederick O. Goldsmith, of Belmont, Mass., on account of expenses incurred by him for civilian medical treatment while sick with typhoid fever in 1923, at which time he was attached to the U. S. S. *Ramapo*.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE R. ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 4664) for the relief of Capt. George R. Armstrong, United States Army, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I understand the gentleman from Tennessee [Mr. REECE] is not here at this time, and in view of some matters contained in the memorandum I have attached to this bill, I would ask unanimous consent that it be passed over without prejudice. Is the gentleman from Kentucky in charge of the bill?

Mr. CHAPMAN. I made the report on the bill.

Mr. HOOPER. I desire to ask a question about the bill. I do not intend to object to it. I notice the memorandum I have shows that the War Department states that in view of the fact the aggregate amount of this gentleman's active duty as a retired officer was only 8 years 2 months and 22 days, it appears there is no authority of law for his promotion to a grade above captain.

A similar bill was reported in the Sixty-ninth Congress, and the War Department then stated it was consistently opposed to special legislation of the type carried in the bill, and recommended that it should not be enacted into law. I would simply like to know what the gentleman has to say in reply to that, because I have had but little time to give the matter consideration.

Mr. CHAPMAN. That is the general policy of the War Department. It is a fact, however, that there are precedents for such legislation in past Congresses. There was one such bill passed in 1924. In this case this man has been on the roll of the Army for 30 years. He has had active service of 19 years 8 months and 25 days, including service in the Spanish-American War, the Philippine insurrection, and the World War. At the time of the passage of the act of June 10, 1922, he lacked one year and one month of having enough service to entitle him in due course of promotion to the promotion sought in this bill. However, since that time he has been called back into active service, and has now had a total of 10 years 3 months and 26 days of active service since his retirement in 1907, that being approximately one year longer service than would have been required in due course of promotion to entitle him to this relief. His retirement was following an operation performed as a result of injury sustained by him in line of duty at the time of the San Francisco earthquake.

Mr. HOOPER. If the gentleman feels the equities of the matter are such as to entitle him—

Mr. CHAPMAN (continuing). At that time he led a detachment that saved the United States mint with more than \$200,000,000 in money and bullion.

Mr. HOOPER. In view of the explanation made by the gentleman from Kentucky, I will not object.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CHAPMAN. Yes.

Mr. LAGUARDIA. What was the highest rank he ever held in active service?

Mr. CHAPMAN. He was retired as a captain.

Mr. LAGUARDIA. What rank did he hold?

Mr. CHAPMAN. I think he was a first lieutenant at that time.

Mr. LAGUARDIA. What precedent is there to jump him now to lieutenant colonel?

Mr. VINSON of Kentucky. He was a captain.

Mr. CHAPMAN. He was retired as a captain.

Mr. LAGUARDIA. And now you are going to retire him with the rank of lieutenant colonel?

Mr. CHAPMAN. Yes; because in regular course of promotion he would have been entitled to that grade.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be authorized to appoint George R. Armstrong, captain, United States Army, retired, a lieutenant colonel on the retired list of the United States Army, effective from the date of the passage of this act.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment, on page 1, line 6, strike out the word "passage" and insert in lieu thereof the word "approval," so that it will read "effective from the date of the approval of this act."

Mr. CHAPMAN. That is all right.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 6, strike out the word "passage" and insert in lieu thereof the word "approval."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MRS. MOORE L. HENRY

The next business on the Private Calendar was the bill (H. R. 7976) for the relief of Mrs. Moore L. Henry.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Moore L. Henry, of New York City, the sum of \$958.98. Such sum represents the pecuniary loss sustained by the late Moore L. Henry, husband of the said Mrs. Moore L. Henry and formerly proprietor of a restaurant at Indianhead, Md., on account of the failure of the disbursing office of the naval proving ground at Indianhead, Md., to collect from certain employees of the Government the cost of meal tickets issued by the said Moore L. Henry to such employees in accordance with an arrangement with the naval authorities at such naval proving ground.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JACOB E. DE GARMO

The next business on the Private Calendar was the bill (H. R. 9148) for the relief of Ensign Jacob E. De Garmo, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Ensign Jacob E. De Garmo, United States Navy, a lieutenant, junior grade, on the retired list of the Navy: *Provided*, That nothing contained herein shall entitle Ensign Jacob E. De Garmo to any back pay or allowance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS A. HEARD

The next business on the Private Calendar was the bill (H. R. 5931) for the relief of Thomas A. Heard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I object.

Mr. MANLOVE. Will the gentleman withhold his objection?

Mr. WARREN. I will.

Mr. MANLOVE. I have known this man for 20 years. The evidence before the committee showed that the only infractions were that he went down town at night a couple of times with the boys and got back too late to report for duty. In one case he was fined \$4, and in the other case \$1.50. He never was in the guardhouse, and never was reported for fatigue duty. There are affidavits from the lieutenants and many other officers who were in charge of him tending to show that he was a man of great honor and that he always responded to duty, and instead of having been discharged without honor his reputation was that of a man of such high standing as to entitle him to an honorable discharge.

Mr. WARREN. This is the case of a soldier discharged without honor after having served six months in the Army.

Mr. MANLOVE. He served nine months.

Mr. WARREN. The statement of the War Department says that he was given a discharge without honor, and stated that his record showed two convictions by summary court-martial; that his character was bad enough to make him very undesirable as a soldier; that there was no prospect of being able to get any satisfactory service out of him; that he not only exercised a demoralizing influence upon the other men but was a constant source of trouble, and that his discharge would greatly improve the moral tone of the company and would be a relief both to the officers and to the enlisted men. For that reason I ask that the bill go over.

Mr. MANLOVE. Has the gentleman read the further affidavits in support of the bill?

Mr. WARREN. I have read some of them. I ask that the bill go over without objection from me.

Mr. MANLOVE. I am sorry the gentleman feels that way, for it is a meritorious case. If the gentleman will let it go over for a few minutes and let my distinguished colleague read the testimony in behalf of the man I shall be obliged. I agree that the report from the War Department does not present an especially meritorious case, but the erroneous action of the War Department is exactly what we are attempting to correct here to-day. After the gentleman from North Carolina has carefully read the very conclusive testimony of the men who served with Thomas A. Heard, and he is not then convinced that this man should be vindicated in the eyes of the world, I shall not insist further at this time. However, my colleague will find that Thomas A. Heard was a soldier who never shirked a duty; who was often singled out for service by reason of the fact that he was looked upon as especially honest and dependable. It is clearly shown by the evidence presented that the soldier was afflicted with a sickness which was sometimes mistaken for intoxication. Remember this man was a volunteer in time of war; a man of honor and valor. When my friend has fully read and digested the evidence as set forth in the report of the committee, he will, I am sure, withdraw any objections he has been disposed to make by reason of having read the report of the War Department.

Mr. WARREN. Let it go over for the present.

The SPEAKER pro tempore. Without objection, the bill will be passed over temporarily.

EDWARD DELANEY

The next business on the Private Calendar was the bill (H. R. 10352) to correct the military record of Edward Delaney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I ask that that bill go over.

KIRBY HOON

The next business on the Private Calendar was the bill (H. R. 11508) for the relief of Kirby Hoon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CLAGUE. Mr. Speaker, I ask that the bill be passed over.

The SPEAKER pro tempore. Without objection, the bill will be passed over.

OLIVER C. MACEY AND MARGUARITE MACEY

The next business on the Private Calendar was the bill (H. R. 2481) for the relief of Oliver C. Macey and Marguarite Macey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. Reserving the right to object, and I shall not object, what is the determination of the committee as to the

amount that shall be allowed as compensation in such cases? I had the impression that it would be \$5,000, but I see in this case that it is \$3,000. Is that the policy of the committee?

Mr. GAMBRILL. I was disappointed by the action of the Committee on Claims in reporting the bill out in the amount of \$3,000. This was a young child 11 years of age that was killed. The mother, who was driving the automobile, suffered severe and painful injuries. Their expenses alone were \$750. There was a complete destruction of the automobile, valued at \$400. If we allocate the mother \$600 for her pain and suffering, \$750 for expenses, and \$400 for the loss of the automobile, then the mother and father will only receive \$1,200 as compensation for the death of the little child. It is my purpose when the bill is read for amendment to offer an amendment increasing the amount to \$6,250.

Mr. SCHAFER. Mr. Speaker, I object to consideration of the bill under such circumstances. The Claims Committee, of which I am a member, has carefully considered this bill. The claim for the loss of the automobile is exorbitant.

Mr. VINSON of Georgia. The policy stated by the gentleman from Michigan, as I understood it, was that in cases where death occurred the committee allowed \$5,000.

Mr. UNDERHILL. Oh, Mr. Speaker, that is entirely wrong. Heretofore, in the case of the death of a breadwinner, a man who has left dependents, or a man in the prime of life, the committee has suggested \$5,000; but when a man reaches the age of, say, 70 years, or in the case of a youth or a child, the committee has as fair a scale of rates as they can possibly get under the advice of the compensation board. In this case this claim has evidently been very much padded. They wanted us to pay for a tombstone; they wanted us to pay for a lot in the cemetery; they wanted us to pay for flowers at the funeral; and we cut the proposition down to an equitable, a just, and a fair basis.

Mr. VINSON of Georgia. Then the award is for the compensation of the death of a child, which is fixed at \$3,000?

Mr. UNDERHILL. The bill calls for \$3,000 in settlement in full.

Mr. GAMBRILL. Mr. Speaker, if the gentleman will permit, I think the gentleman is mistaken when he says that the bill was padded. The bill as it came to the committee had actual expenses amounting to about \$880. There was included in that, as I recall, about \$150 or \$200 for a cemetery lot, but there were expenses of the doctors of \$175, and of the undertaker amounting to \$200, and other expenses, which ran it up to the legitimate sum of \$750. The mother at the same time was painfully and seriously injured. Nothing has been allowed for her pain and suffering. There was the death of the daughter. There was the destruction of the automobile, and I say to the gentleman from Wisconsin [Mr. SCHAFER] that I think he is entirely unfair when he says that the automobile was not worth \$400. As a matter of fact, it was a Chevrolet car, which had been in use but a short time, and the fair value of it was \$400. I hope the gentleman will not object to the consideration of the bill, but will let it come up for consideration.

Mr. UNDERHILL. Mr. Speaker, I shall object to it unless the gentleman agrees to accept the report of the Committee on Claims. That is the policy that we have established. Unless the gentleman wants to accept our report we will have to protect ourselves and object to the consideration of the bill.

Mr. GAMBRILL. May I make this statement? A bill for \$6,250 has passed the Senate for the relief of Marguarite Macey and Oliver C. Macey, the parents of this child. I hope the gentleman from Massachusetts [Mr. UNDERHILL] will not place me in the very embarrassing position of having to acquiesce in his demands, because it is quite an embarrassing position, when the Senate has already passed a bill for the full amount of \$6,250.

Mr. UNDERHILL. Mr. Speaker, the gentleman from Massachusetts, year after year and session after session, has tried to relieve his colleagues of that situation; and up to the present time he has not been able to get legislation which will relieve them of a situation of this character. The gentleman from Maryland [Mr. GAMBRILL] is in no different position than hundreds of our colleagues have been in the past, where the Senate has passed a bill on courtesy without investigating the facts, and unfortunately some gentleman in the House has had to hold the bag.

Mr. SCHAFER. Mr. Speaker, I am a member of the Committee on Claims which considered this bill. In view of the fact that we are considering the Private Calendar on a day which is usually not devoted to the consideration of that calendar, when many Members of the House are away, and some of them would not be here on a roll call, I do not want to let

this bill come up for consideration if the gentleman is going to offer amendments. If the gentleman at some future time on a Friday, when we consider these Private Calendar bills, desires to consider the bill and offer amendments, I shall not object. I believe in the final analysis that the House should determine the matter, but not to-day when we are considering the Private Calendar, on a day not generally devoted to it.

Mr. HUDSON. The gentleman from Maryland will notice by going back over the records of previous Congresses that we have allowed compensation in cases of minor children at \$1,500. It seems to me that the gentleman would better let his bill go through at \$3,000, which is double the amount heretofore granted.

Mr. GAMBRILL. Mr. Speaker, in view of the statement made by the chairman of the Committee on Claims, I shall not offer an amendment if the bill is considered at this time.

Mr. SCHAFER. Mr. Speaker, in view of that statement, I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to Marguerite Macey, out of any money in the Treasury not otherwise appropriated, the sum of \$1,250, in full compensation for personal injuries, medical and funeral expenses, and loss of automobile, which resulted by reason of the negligence of the operator of a United States Navy commissary truck.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,000, to Oliver C. Macey and Marguerite Macey, of Anne Arundel County, Md., on account of the death of their infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of the United States Navy commissary truck, and for injuries sustained in said accident by Marguerite Macey."

Mr. LaGUARDIA. Mr. Speaker, I ask recognition on the committee amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. LaGUARDIA. Mr. Speaker, this case shows the necessity of a law to provide means for claims of this character to be properly adjudicated. It is simply impossible for this House to pass upon the merits of a claim of this kind, as is disclosed by the facts in this bill. There is the matter of the value of the loss of services and the matter of the actual loss sustained by reason of the negligence of an agent of the Government. All these factors enter into the claim, and the Committee on Claims, with its hundreds and hundreds of bills before it, is at a very great disadvantage, considering all of the other legislative duties that the members of that committee must fulfill.

Now, we passed a bill here. No action has been taken at the other end of the Capitol. If we adopt the principle laid down in the Underhill bill, which passed the House some time ago, then we will have established machinery whereby citizens who sustain loss by reason of acts of agents of the Government can present their claims in a proper way. I fear even then that we will have to go through a period of conflict of attitude in these cases between the various departments; but even that we can reconcile by acts of Congress later on. As it is now, it is exceedingly difficult for anyone working on this Private Calendar to know just what to do in cases of this kind. It is extremely difficult. We can not do other than accept the report of the Committee on Claims as to the facts. As to questions of policy or the law involved, I think every Member has the right to assert himself, but not as to the facts. I am entirely in sympathy with what the gentleman from Maryland says, but we have no means of reviewing the facts under the present policy. I hope we can get some action during this session of Congress that will relieve us of the necessity of going into details and ascertaining the facts. It should be put under a proper tribunal, so that citizens may get redress for losses incurred by reason of the action of agents of the Government.

Mr. UNDERHILL. There is a Senate bill on the Speaker's table. I ask unanimous consent to strike out all after the enacting clause in the Senate bill and substitute the House committee amendment. The Senate bill is No. 1648.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oliver C. Macey, of Anne Arundel County, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in full compensation for the death of his infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of a United States Navy commissary truck.

The SPEAKER pro tempore. The Clerk will report the House committee amendment.

The Clerk read as follows:

Strike out the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,000, to Oliver C. Macey and Marguerite Macey, of Anne Arundel County, Md., on account of the death of their infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of the United States Navy commissary truck, and for injuries sustained in said accident by Marguerite Macey."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

PRESS PUBLISHING CO., MARIANNA, ARK.

The next business on the Private Calendar was the bill (H. R. 4839) for the relief of the Press Publishing Co., Marianna, Ark. The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828, Revised Statutes, to adjust and settle the claim of the Press Publishing Co., of Marianna, Ark., in the amount of \$9, for publication of advertisements inviting proposals for sundry work at Marianna, Ark., post office, during July and November, 1924, and January, 1925, and to certify same for payment from the appropriation "General expenses of public buildings, 1925."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

NANNIE SWEARINGEN

The next business on the Private Calendar was the bill (H. R. 10336) for the relief of Nannie Swearingen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$5,000 to Nannie Swearingen to compensate her for the death of her husband, who was struck by a Government-owned postal motor vehicle on November 26, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

THOMAS A. HEARD

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 422.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to return to Calendar No. 422, which was passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Thomas A. Heard, late of Company H, Third Regiment United States Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.

With the following committee amendment:

Line 7, after the word "States," strike out the period, insert a comma, and add "on January 18, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PETER HANSEN

The next business on the Private Calendar was the bill (H. R. 4111) to correct the naval record of Peter Hansen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Peter Hansen, formerly seaman, United States Navy, be, and he is hereby, relieved of all disabilities attendant upon the bad conduct discharge received by him December 25, 1901, and the Secretary of the Navy is hereby authorized and directed to review the naval record of said Peter Hansen and grant him an honorable discharge: *Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

With a committee amendment as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors, Peter Hansen shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no pension shall accrue prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LAURENCE OLIPHANT SCHETKY

The next business on the Private Calendar was the bill (H. R. 4827) providing for the promotion of Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of Lieutenant, Medical Corps, on the retired list of the Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to advance Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of Lieutenant, Medical Corps, on the retired list of the Navy, with the retired pay and allowances of that rank: *Provided*, That the said Schetky shall first establish to the satisfaction of the Secretary of the Navy that the disability for which he was retired on April 11, 1925, originated in line of duty while he held the temporary rank on the active list of Lieutenant, Medical Corps, United States Navy: *Provided further*, That no back pay or allowances shall accrue as the result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WYMAN HENRY BECKSTEAD

The next business on the Private Calendar was the bill (H. R. 8358) for the relief of the parents of Wyman Henry Beckstead.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that a similar bill passed by the Senate be considered in lieu of the House bill and that the House bill lie on the table.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent to substitute Senate bill 2008. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to the parents of Wyman Henry Beckstead, late radio man, second class, United States Navy, an amount equal to six months' pay at the rate received by said Wyman Henry Beckstead at the time of his death: *Provided*, That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

ALEXANDER GINGRAS

The next business on the Private Calendar was the bill (H. R. 11978), granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased, private, United States Marine Corps, in active service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, who died in line of duty on March 31, 1927, at Managua, Nicaragua, an amount equal to six months' pay at the rate said Louis W. Gingras was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY M. TILGHMAN

The next business on the Private Calendar was House joint resolution (H. J. Res. 47) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, why is this in the form of a joint resolution instead of in the form of a bill?

Mr. SMITH. I do not know of any special reason except to explain in the preamble the reasons for the enactment of the law.

Mr. LAGUARDIA. Of course, that will be stricken out?

Mr. SMITH. Yes; certainly.

Mr. LAGUARDIA. So much for the procedure. Now, as to the merits. The Secretary says:

Since this proposed legislation would make an exception in the case of a particular individual while many others under the same circumstances would derive no benefit therefrom, and since the enactment of this proposed law would furnish an undesirable precedent, the Navy Department recommends against the enactment of House Joint Resolution 47.

Can the gentleman tell us how many similar cases there are?

Mr. SMITH. The gentleman from Maryland [Mr. GAMBRILL], a member of the Naval Committee, can give the gentleman the information.

Mr. GAMBRILL. I did not understand the question asked by the gentleman from New York.

Mr. LAGUARDIA. I was pointing out to the gentleman from Idaho the suggestion made by the Acting Secretary of the Navy that this would be a dangerous precedent because there are so many other similar cases which would not derive any benefit by the enactment of this particular resolution.

Mr. GAMBRILL. I will say that the Committee on Naval Affairs came to the conclusion that there would be no case similar to this in the enlisted force of the United States. This man enlisted in 1870; he had six distinct enlistments and died in the service of the Marine Corps in 1900, after 30 years of service. There was a hiatus of one month and three weeks between the fourth and fifth enlistments, and the only purpose of this bill is to provide for a continuity of the service.

Mr. LA GUARDIA. Then the Secretary was simply assuming that there are many other cases?

Mr. GAMBRILL. Precisely.

Mr. LA GUARDIA. And I assume the committee did look into that?

Mr. GAMBRILL. It did.

Mr. LA GUARDIA. And it would not establish a precedent because there could not be another case that would have all of the facts so similar as to be entitled to recognition under this precedent?

Mr. GAMBRILL. That is a correct statement of the committee's attitude.

Mr. LA GUARDIA. And it is not correct to say that there is any favoritism shown in this case?

Mr. GAMBRILL. That is true.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution, omitting the preamble.

The Clerk read as follows:

Resolved, etc., That the service rendered by Sergt. Frederick Coleman, deceased, United States Marine Corps, from September 5, 1870, to the date of his death, April 29, 1900, shall be considered under the law providing for longevity pay as continuous service in the United States Marine Corps, and that the Secretary of the Navy be, and he is hereby, authorized and directed to construe the records of the said Sergt. Frederick Coleman in the United States Marine Corps as conforming with this authorization, to the end that Mary M. Tilghman, former widow of the said Frederick Coleman, deceased, shall be entitled to receive the pay, benefits, and emoluments conferred by law or regulations for continuous service in the United States Marine Corps of her late husband.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

REFERENCE OF BILLS

Mr. ZIHLMAN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Maryland rise?

Mr. ZIHLMAN. Mr. Speaker, I would like to submit a unanimous-consent request for a change of reference of two bills. It will take but a moment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will propound his request.

Mr. ZIHLMAN. I ask unanimous consent that H. R. 13116 and H. R. 9762, which have been referred to the Committee on the District of Columbia, be rereferred to the Committee on the Judiciary.

Mr. MONTAGUE. May I ask the nature of the bills?

Mr. ZIHLMAN. H. R. 13116 provides for an additional justice of the Supreme Court of the District of Columbia and H. R. 9762 relates to commitments to St. Elizabeths Hospital.

Mr. SCHAFER. Reserving the right to object, I could not hear the statement of the gentleman. What is there in these bills?

Mr. ZIHLMAN. One bill provides for an additional judge for the District of Columbia and the other relates to commitments to St. Elizabeths.

The SPEAKER pro tempore. From such examination of the bills as the Chair has been able to make, it is clear that both of these bills are erroneously referred to the Committee on the District of Columbia and should have been referred to the Committee on the Judiciary.

Mr. LA GUARDIA. We will take them.

The SPEAKER pro tempore. Without objection, they will be rereferred to the Committee on the Judiciary.

There was no objection.

FRANK TOPPING AND OTHERS

The next business on the Private Calendar was the bill (S. 19) for the relief of Frank Topping and others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object, I do not know anything about the merits of this bill, but it does seem to me that there should be an amendment providing that the amounts authorized shall constitute full settlement of said claims against the Government.

Mr. LA GUARDIA. Mr. Speaker, this bill involves something that is entirely new, and in view of contemplated legislation, I suggest we go rather slow on this matter and let the bill go over. This establishes, I fear, the liability of the Government for losses sustained through defective construction of dams.

Mr. HUDSON. Mr. Speaker, will the gentleman from New York yield?

Mr. LA GUARDIA. Yes.

Mr. HUDSON. I want to call attention to this paragraph in the report accompanying the bill:

Under date of April 26, 1926, Mr. Topping, who appears to be acting as spokesman for the other claimants, wrote me—that is, the Secretary of the Interior—that they had decided to withdraw their claims for damages alleged to have been sustained during the high water in 1920, there being no proof that any damages suffered during that year was caused by the Haskell floodgates being open.

I agree, Mr. Speaker, that this is legislation providing payment for alleged flood damages; and I would expect that we would have gentlemen in here from Vermont and from California and from other States.

Mr. GREEN. From Florida?

Mr. HUDSON. Florida has floods? I never saw any water down there to amount to much except in the ocean. It seems to me this is a very dangerous piece of legislation.

Mr. GUYER. Mr. Speaker, it is true that the claims for damages for 1920 have been withdrawn because it is probable that even if the floodgates, which were open, had been shut, the damage would have been the same; but in the case of the other two years the Haskell Institute and its superintendent were notified to close the floodgates, but the floodgates were not closed and they damaged these nine farmers. In view of the fact that these Kansas farmers are not going to get any other relief this year, I want them to have the benefit of this legislation.

Mr. LA GUARDIA. Let me say to the gentleman that our objection at this time is not to the merits of the gentleman's bill and is not to the individuals mentioned in the bill, but please do not precipitate this matter so that we establish a policy on the very eve that we are about to adopt a bill appropriating hundreds of millions of dollars and when we are going into the wholesale flood-relief business. Let this go over. Let us look into it calmly and study it more carefully.

Mr. GUYER. I want to call attention to the fact that this is not a matter of flood relief, but is a matter of negligence on the part of agents of the Government.

Mr. LA GUARDIA. Let me say to the gentleman from Kansas that the bill should so state.

Mr. HUDSON. Mr. Speaker, I ask that the bill may go over for to-day without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ICHABOD J. WOODARD

The next business on the Private Calendar was the bill (H. R. 3224) for the relief of Ichabod J. Woodard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, did this man render any active service?

Mr. DICKINSON of Missouri. Yes; three and a half years.

Mr. LA GUARDIA. There is no objection on my part.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Ichabod J. Woodard, who was a member of Company K, Second Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "organization," insert the words "October 1, 1862."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

HENRY MANSKE, JR.

The next business on the Private Calendar was the bill (H. R. 8484) for the relief of Henry Manske, jr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, how was this good sailor injured? Was it at a 5 o'clock tea—it was not in line of duty.

Mr. SCHAFER. Yes; it was in line of duty. I will state to the gentleman that this sailor enlisted on November 5, 1912, and was discharged on October 29, 1913. At the time of his enlistment he was examined by competent medical officers of the Navy and they found no disability. After rendering nine months' service as a shipwright a hernia was found, and he was hospitalized and discharged on surgeon's certificate of disability, with a notation made by the board of medical survey that the disability existed prior to enlistment. This board's allegation that the hernia existed prior to enlistment is only the opinion of the doctors nine months after the date this man enlisted. If Manske had a hernia prior to enlistment, it would have been detected upon medical examination at the time of enlistment, and it would have certainly manifested itself before nine months had passed, in view of his laborious work as shipwright, coaling, and the like.

Mr. GREEN. Reserving the right to object, I want to state to the gentleman that I have a similar case, and I believe the bill ought to pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and hereby is, directed to indicate on the medical records of the Navy Department of Henry Manske, jr., late of the United States Navy, that the left inguinal hernia which resulted in his discharge was incurred in line of duty instead of not incurred in line of duty as is now noted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANCIS L. SEXTON

The next business on the Private Calendar was the bill (H. R. 3893) for the relief of Francis L. Sexton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Francis L. Sexton, late of Company F, Fourth Regiment Volunteer Infantry, Troop M, Seventh Regiment Volunteer Cavalry, and Company C, Third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of Company C, Third Regiment United States Infantry: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The following committee amendments were read:

Line 5, strike out the word "Regiment" and insert in lieu thereof the words "United States."

Line 6, strike out the word "Volunteer"; also strike out the word "Regiment" and insert in lieu thereof the words "United States."

Line 7, strike out the word "Volunteer."

Line 11, after the word "Infantry," add a comma and insert the words "July 27, 1902."

Line 11, after the word "no," strike out the word "pay" and insert in lieu thereof the words "bounty, back pay."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HEIRS OF THE LATE DR. THOMAS C. LONGINO

The next business on the Private Calendar was the bill (H. R. 5398) for the relief of the heirs of the late Dr. Thomas C. Longino.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. MAPES). Is there objection?

There was no objection.

The Clerk read the committee amendment.

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$1,000 to the heirs of the late Dr. Thomas C. Longino as reimbursement on account of losses of personal property as a result of the Galveston flood on September 8, 1900."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRITISH STEAMSHIP "LARCHGROVE"

The next business on the Private Calendar was the bill (S. 3506) for the relief of the owners of the British steamship *Larchgrove*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owners of the British steamship *Larchgrove* against the United States for damages and loss alleged to have been caused by a collision between the said steamship *Larchgrove* and the American steamship *Hawaiian* off Tarifa Point, Spain, on October 27, 1918, may be determined in a suit to be brought by the said owners against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases; and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages, without interest, sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principles and measures of liability, and with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD TOMLINSON

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 411, H. R. 10261, for the relief of Edward Tomlinson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio to return to Calendar No. 411?

There was no objection.

The Clerk read the title of the bill.

A bill (H. R. 10261) for the relief of Edward Tomlinson.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Tomlinson, who was a member of Company A, Twenty-seventh Regiment United States Volunteer Infantry, war with Spain, and Thirty-fourth Company, United States Coast Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of the latter organization on the 4th day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARIE ROSE JEAN BAPTISTE, MARIUS FRANCOIS, AND REGINA LEXIMA

The next business on the Private Calendar was the bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is another bill that is the result of keeping law and order in southern republics. Why is the payment of \$10,070 to be made to the Republic of Haiti?

Mr. MORTON D. HULL. Mr. Speaker, that amount should be \$1,070. That is a mistake in the committee amendment, and it is my purpose to offer an amendment to correct that. Fifty dollars of that goes to Marius Francois and \$20 to Regina Lexima. I have prepared an amendment, as I say, to correct the figures.

Mr. LAGUARDIA. But this money will be paid to the Government of the Republic of Haiti?

Mr. MORTON D. HULL. Yes.

Mr. LAGUARDIA. For the purpose of paying these citizens of the Republic?

Mr. MORTON D. HULL. Yes.

Mr. LAGUARDIA. How many were killed?

Mr. MORTON D. HULL. One of them was killed and the other wounded by a drunken marine, who is now serving 10 years in prison.

Mr. LAGUARDIA. And perhaps if we had not sent the marines down there, we would not have had to pass any such bill as this. The gentleman says that \$10,070 is an error?

Mr. MORTON D. HULL. Yes. It is also my purpose to offer an amendment to insert the word "thereof" after the figures "\$50" and after the figures "\$20," so that it will be clear that the payments of the \$50 and \$20 are to come out of the \$1,070.

Mr. LAGUARDIA. Would the gentleman be willing to accept an amendment to insert, after "the Republic of Haiti," the words "for the purpose herein provided"?

Mr. MORTON D. HULL. That is satisfactory.

Mr. LAGUARDIA. In other words, we want to make sure that a proper voucher is obtained by the Government and submitted to us that this money was turned over.

Mr. MORTON D. HULL. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to pay Marie Rose Jean Baptiste, the mother of Andre Nelson; the sum of \$50 to pay Marius Francois; and the sum of \$20 to pay Regina Lexima; the above sums to be in full compensation for the killing of Andre Nelson and wounding of Marius Francois and Regina Lexima by shooting by an enlisted man of the United States Marine Corps on July 19, 1927, at Port au Prince, Republic of Haiti.

With the following committee amendments:

Page 1, line 5, after the word "of," strike out "\$1,000 to pay Marie Rose Jean Baptiste, the mother of Andre Nelson; the sum of \$50 to pay Marius Francois; and the sum of \$20 to pay Regina Lexima" and insert in lieu thereof the following: "\$10,070 to pay the Republic of Haiti as an act of grace and without reference to the question of liability therefor; the sum of \$1,000 thereof to pay Marie Rose Jean Baptiste, the mother of Andre Nelson; the sum of \$50 to pay Marius Francois; and the sum of \$20 to pay Regina Lexima."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. MORTON D. HULL. Mr. Speaker, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Amendment by Mr. MORTON D. HULL: Amend the committee amendment by striking out the figures "\$10,070" and substituting therefor the figures "\$1,070"; also by inserting the word "thereof" after the figures "\$50," and also by inserting the word "thereof" after the figures "\$20."

The SPEAKER pro tempore. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to. Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: Page 1, line 7, after the word "pay," insert the words "for the purposes herein provided."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment was agreed to.

The committee amendment as amended was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD DELANEY

Mr. TATGENHORST. Mr. Speaker, I ask unanimous consent to return to Calendar No. 423, H. R. 10352, to correct the military record of Edward Delaney.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to Calendar 423. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is the Member present who objected to the consideration of this bill before?

Mr. TATGENHORST. Yes.

Mr. SCHAFER. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Delaney, who was a member of Company D, Sixteenth Regiment Pennsylvania Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 11th day of August, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAN FRANCISCO, NAPA & CALISTOGA RAILWAY

The next business on the Private Calendar was the bill (H. R. 2474) for the relief of the San Francisco, Napa & Calistoga Railway.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, empowered, and directed to pay, out of any funds in the Treasury of the United States of America not otherwise appropriated, the sum of \$126.70 to the San Francisco, Napa & Calistoga Railway for repairs to freight cars damaged while on Mare Island Navy Yard in charge of the Navy Department.

With the following committee amendment:

Line 6, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARJORY VIRGINIA WATSON

The next business on the Private Calendar was the bill (H. R. 11429) granting six months' pay to Marjory Virginia Watson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Army, 1928," to Marjory Virginia Watson, daughter by birth of the late First Lieut. Arthur Gillette Watson, Air Corps, United States Army, who was killed in an airplane accident at San Jose, Costa Rica, on May 11, 1925, \$1,050, the amount equal to six months' pay at the rate said Arthur Gillette Watson was entitled to receive at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Mr. WARREN. Mr. Speaker, under the unanimous-consent agreement, I am willing that we shall continue down to and including Calendar No. 469. I wish to give notice that if we do proceed I shall object to the consideration of all bills after that number.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIEUT. HENRY C. WEBER

The next business on the Private Calendar was the bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I should like to know why this particular officer is singled out for special consideration.

Mr. SCHAFER. I will inform the gentleman that this is a Senate bill, identical with H. R. 16197 which I introduced on January 11, 1927, Sixty-ninth Congress, and H. R. 3676, which I introduced on December 5, 1927, at this session. It is not singling out and giving to this officer any special consideration. Lieutenant Weber took the examination for appointment as assistant surgeon in the United States Navy on October 30, 1918. The Surgeon General of the Navy informed him on January 2, 1919, that he had passed this examination, and on March 1, 1919, his appointment was confirmed by the United States Senate. However, on March 1, 1919, he was 24 days over the age limit of 32 years, and his commission was withheld. Later the age limit was raised to 42 years and Lieutenant Weber was placed on the rolls and is now serving with the Asiatic fleet.

The long delay between the taking of the examination and the confirmation by the Senate was due to the fact that the President of the United States was then in Europe and the list of successful candidates prepared by the Navy Department could not be transmitted to the Senate until his return.

Mr. UNDERHILL. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. Henry C. Weber, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided*, That the said Lieutenant Weber, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander in the Medical Corps of the United States Navy: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

F. C. WALLACE

The next business on the Private Calendar was the bill (H. R. 8440) for the relief of F. C. Wallace.

The title of the bill was read.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it is simply a question of the value of this building that was destroyed by fire. The fact that there was a fire is very clear. Can the gentleman furnish any additional information?

Mr. LETTS. I will say to the gentleman from New York that only \$400 of this sum is for the building. It was a frame building. There is a large list of airplane fires. The gentleman will understand. He knows all that, and their value.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. C. Wallace, of Bettendorf, Iowa, the sum of \$2,910.87. Such sum shall be in full satisfaction of all claims against the United States on account of the loss by fire at Wallace Field, Bettendorf, Iowa, on December 27, 1924, of a frame building and personal property therein owned by the said F. C. Wallace, said loss being the direct result of aid gratuitously rendered by the said Wallace to a stranded Air Service officer, who was then on an authorized flight, by placing the facilities of the air field owned by the said Wallace, which had been closed for the winter, at the disposal of said officer for the purpose of enabling him to return to his proper station.

With a committee amendment as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise

appropriated, and in full settlement against the Government, the sum of \$2,910.87 to F. C. Wallace, of Bettendorf, Iowa, on account of the loss by fire of a frame building and personal property sustained while the Wallace Aero Co. was aiding a stranded Air Service officer to recondition his plane in order to enable him to return to his proper station."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WILLIAM DOWNING PRIDEAUX

The next business on the Private Calendar was the bill (H. R. 3960) for the relief of William Downing Prideaux.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to order William Downing Prideaux, formerly commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war: *Provided*, That if said naval retiring board finds that the said William Downing Prideaux is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all the duties of the grade of commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to appoint William Downing Prideaux a commander United States Naval Reserve Force and to place him upon the retired list of the Navy with the retired pay and emoluments of that grade: *Provided further*, That no back pay, allowances, or emoluments shall become due because of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GEORGE J. ILLICHEVSKY

The next business on the Private Calendar was the bill (H. R. 967) for the relief of George J. Illichevsky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George J. Illichevsky the amount of \$50 on account of losses sustained by him when called from his regular duty as member of a trail crew by order of the Forest Service to fight forest fires during July, 1926, in the Coeur d'Alene National Forest.

With the following committee amendment:

Page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HAVERT S. SEALY

The next business on the Private Calendar was the bill (H. R. 3470) granting relief to Havert S. Sealy and Porteus R. Burke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$35,000 to Havert S. Sealy and Porteus R. Burke, of New Iberia, La., in full compensation against the Government for destruction by fire of a residence on the Rosedale plantation, situated in the parish of Iberia, La., on the 1st day of June, 1927, due to the fault and negligence of an agent of the Department of Agriculture.

With the following committee amendment:

Page 1, line 5, strike out "\$35,000" and insert in lieu thereof "\$10,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK F. MOORE

The next business on the Private Calendar was the bill (H. R. 3949) for the relief of Frank F. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Frank F. Moore, postmaster at Roscoe, Ill., in the sum of \$102, such sum representing the deficit in the account of the said Frank F. Moore, caused by fire to the post office on November 10, 1926, and for which casualty the said Frank F. Moore was in no way responsible.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM V. TYNES

The next business on the Private Calendar was the bill (H. R. 7061) for the relief of William V. Tynes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$125 to William V. Tynes, in compensation for damages sustained by his Ford motor car as result of a collision with United States Navy trailer No. 42, in Norfolk, Va., on March 4, 1924.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS EDWIN HUFFMAN

The next business on the Consent Calendar was the bill (H. R. 11741) for the relief of Thomas Edwin Huffman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Thomas Edwin Huffman United States coupon notes numbered L-12380683 to L-12380685, inclusive, in the denomination of \$50 each, of the Victory Liberty loan 4% per cent convertible gold notes of 1922-23, matured May 20, 1923, with interest at the rate of 4% per cent per annum from May 20, 1919, to May 20, 1923, inclusive, without presentation of said notes or the coupons representing interest from May 20, 1919, to May 20, 1923, the notes with the said coupons attached having been lost, stolen, or destroyed: *Provided,* That the said notes shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupons that shall have been previously presented and paid: *And provided further,* That the said Thomas Edwin Huffman shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the interest payable thereon when the notes matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed notes hereinbefore described, or the coupons pertaining thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. ROY KNABENSHUE

The next business on the Private Calendar was the bill (H. R. 11764), conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue, covered by letters patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, is it not a departure from established custom to permit a claim of this kind to be filed in the Court of Claims?

Mr. STRONG of Kansas. I think not; but the author of the bill, Mr. EVANS of California, will explain it to the gentleman.

Mr. EVANS of California. I think not, I will say to the gentleman from New York. This man, Mr. Knabenshue, had a patented tent. He consented for the War Department to use it on one occasion for the purpose of housing an airplane, but without his knowledge and without any disposition on the part of the War Department to do it, and without his consent, they went ahead, during the strenuous times of the war, and constructed various others. Some time after that was all over he learned of it and filed a claim against the War Department. Negotiations were entered into for the settlement of the claim, but no settlement was reached, and on the last page of the report the gentleman will find this from the War Department:

In view of all the circumstances, I am inclined to believe that Mr. Knabenshue is entitled to his day in court and therefore interpose no objection to the bill.

It is a very small thing.

Mr. LaGUARDIA. The law is established that the United States Government has the right to use any patents in time of emergency.

Mr. EVANS of California. That question is not involved here. This is only a question of whether or not they did in certain cases use his patents which they themselves say they had no right to use. It is only a very small matter.

Mr. LaGUARDIA. Of course, they would have to pay a reasonable amount. If the War Department feels the facts must be settled—

Mr. HUDSON. Probably if it had not been for the stress of war at that time there would have been adequate contract entered into.

Mr. EVANS of California. I will say to the gentleman that at the time of the hearing before the committee a representative of the War Department recommended that the committee report this claim favorably and stated that Mr. Knabenshue was entitled to have his claim passed upon.

Mr. LaGUARDIA. On that statement, it seems fair and I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claim and/or the district court of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, examine, adjudicate, and render judgment of the claim of A. Roy Knabenshue for the use and manufacture by or for the United States without license of the owner thereof or lawful right, and infringement thereof of patent described in or covered by Letters Patent No. 858875, issued by the Patent Office of the United States on the 2d day of July, 1907. From any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. H. WALKER AND OTHERS

The next business on the Private Calendar was the bill (H. R. 12049) to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of \$1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to sell the lands described as the south-east quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss., to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of \$1.25 per acre therefor.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WIDOW OF SURG. MERVIN W. GLOVER

The next business on the Private Calendar was the bill (H. R. 12063) for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts [Mr. UNDERHILL] if this class of men in the service of the United States are taken care of by general legislation, just as Army officers are taken care of?

Mr. UNDERHILL. No; but they ought to be. The officers of the Public Health Service are not taken care of under any of our various provisions for care of the employees or for members of our various branches of service.

Mr. LAGUARDIA. They ought to have equal treatment.

Mr. UNDERHILL. The procedure heretofore has been very indefinite. Some of them have received two years' salary and allowances, others have received one year's salary. In this instance we struck out "allowances," as the man was dead and could not use such allowances, and provided for one year's salary, which is the policy of our committee.

Mr. HUDSON. Is this equal to what the dependents of a commissioned officer of the Army would have received?

Mr. UNDERHILL. I think it is about equal. In this case there is a year's salary, and in the case of the commissioned officer, I understand, under the law they get six months' salary and certain allowances.

Mr. LAGUARDIA. We have had to-day several bills providing six months' pay. We have had five or six bills on this calendar where we authorize the payment of six months' pay and allowances to the widow or dependents, but here we provide for one year's salary.

Mr. UNDERHILL. Yes; and you do not take care of this man all the time he is ill and confined to the house and hospital under the care of a surgeon. This man was ill for a long time.

Mr. LAGUARDIA. I am simply pleading for uniformity of treatment in these cases.

Mr. UNDERHILL. We could not separate all these things and say that so much was for medical attention, so much for surgical attention, so much for hospitalization, but following our usual practice we lumped it all into one year's salary, which makes it about commensurate with what would have been received had he been provided for under the provisions of the retirement law.

Mr. LAGUARDIA. I know that, but we allow six months' pay to dependents of officers of the Army and the Navy.

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. And in this instance you allow one year's salary.

Mr. UNDERHILL. But in this allowance of one year we included all of these expenses.

Mr. HUDSON. I withdraw my objection.

Mr. LAGUARDIA. It is the gentleman from Massachusetts and his committee who will have to grapple with this problem.

Mr. UNDERHILL. I am sorry we have to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the widow of Mervin W. Glover, deceased, the sum of \$6,496.67, being the amount of salary and allowances for one year.

With the following committee amendments:

Page 1, line 6, strike out "\$6,496.67" and insert in lieu thereof "\$4,725"; and on page 1, line 7, strike out the words "and allowances."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARY CLERKIN

The next business on the Private Calendar was the bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary Clerkin, of Newtown-butler, county of Fermanagh, Ireland, out of any money in the Treasury not otherwise appropriated, the sum of \$140 for the loss of certain laces which were destroyed in the fire in the appraiser's warehouse at New York City in May, 1909.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARTHA A. HAUCH

The next business on the Private Calendar was the bill S. 1368, an act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Reserving the right to object, and I shall not object, I want to bring to the attention of the House and ask for its indorsement the action of the Committee on Claims in reporting this case. The patient or claimant was a student nurse. She was learning her profession at the Walter Reed Hospital. She contracted tuberculosis. There is no provision of law whereby she can be taken care of, and the only thing was to kick her out into the streets and let society in general take care of her if it had the heart to do so. We provide in the bill that she shall receive something to live on while she is being taken care of in some hospital. She was not even allowed hospitalization. It is a case where we have established the policy of taking care of these nurses.

Mr. EDWARDS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. EDWARDS. I concur in what the gentleman from Massachusetts has said. I have in mind a nurse that lost her health during the Spanish War while nursing the sick American soldiers in a hospital at Jacksonville, Fla. Because she was not regularly in the service no recognition has been given her claim. Her health has been destroyed and she was without means.

Mr. UNDERHILL. We would have to take care of such cases as that later on. In this case there was no remedy whatever. I will say to the House that there are at least three other cases of the same character that I know of, and there may be others.

Mr. HUDSON. Would there not be some relief under the civil service?

Mr. UNDERHILL. No; she was not a civil-service employee.

Mr. LAGUARDIA. I congratulate the gentleman from Massachusetts. I am sure the House will sustain the committee in establishing this policy. Where a young man or woman in the Government service contracts tuberculosis or is otherwise incapacitated and is not covered by any existing law the committee ought to establish a generous policy.

Mr. UNDERHILL. I want to say that the gentleman from Massachusetts is not responsible for this, but the gentleman from North Carolina [Mr. BULWINKLE] has handled the case, fully investigated the facts, and makes the report. It is largely through his effort that we have brought about a definite policy on the part of the committee which we desire to have indorsed by the House.

Mr. LAGUARDIA. I congratulate both the gentleman from North Carolina and the gentleman from Massachusetts.

The SPEAKER pro tempore. The Clerk will read the committee amendment.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$2,000 to Martha A. Hauch, formerly a nurse in the service of the United States Army, who contracted tuberculosis while on duty at Walter Reed General Hospital from September 16, 1922, to August 22, 1924; and that said Martha A. Hauch shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment."

The committee amendment was agreed to.
The bill as amended was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

R. BLUESTEIN

The next business on the Private Calendar was the bill (S. 1428) for the relief of R. Bluestein.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is a case where a bond was forfeited and paid. This was a criminal bond, was it not?

Mr. EDWARDS. Yes.

Mr. LAGUARDIA. How long after the default in the appearance of the defendant was he apprehended and produced?

Mr. UNDERHILL. Mr. Speaker, we have had several of these cases, but, if I recollect correctly, it was some several weeks. The expense would have been considerably more, unless I confuse this case with another case, if the United States marshal had not been in Cleveland and brought this man back to Georgia. The committee took this question up with the Attorney General and the Department of Justice. We wanted to establish some definite policy and asked the Department of Justice to declare what they wanted in such cases. The department, in a letter to the chairman, states that they want the offender, they want the criminal, they do not want the sureties, and where a man has given a bond or has gone surety, and the defendant has not appeared, and the man goes out and apprehends the defendant through his own efforts and brings the man to justice, the department thinks the bondsman ought to be reimbursed the amount of the bond less the amount which it has cost the Government.

Mr. LAGUARDIA. I agree with the gentleman so far, but I am sure the department wants the defendant when they want him and not when the defendant deems it wise to appear.

Mr. UNDERHILL. Very true.

Mr. LAGUARDIA. Very often it happens that the defendant will not present himself for some time because he is waiting for witnesses to disappear or something of that kind.

Mr. UNDERHILL. May I add there that in all cases we have reported thus far the defendant has been convicted?

Mr. EDWARDS. I think that is the case here.

Mr. BULWINKLE. I say to the gentleman from New York that I am not in favor of granting this relief to a bonding company or one of these private bondsmen who is doing the bonding business as a living and collecting premiums.

Mr. UNDERHILL. I think the committee is in accord with the gentleman from North Carolina. I am sure the chairman is. Where it is a commercial transaction we have no interest in it, but where it is a matter of accommodation or a matter of faith upon the part of the bondsmen, and his faith is misplaced, and he goes and gets his man, then we feel that he should be reimbursed.

Mr. LAGUARDIA. I think the committee should have it certified to by the Department of Justice that the defendant has been produced and that his nonappearance has in no way defeated the ends of justice.

Mr. UNDERHILL. That is the idea.

Mr. SCHAFER. These people are not professional bondsmen, are they?

Mr. EDWARDS. No; they are not.

Mr. LAGUARDIA. Mr. Speaker, I shall not object upon the statement made by the gentleman from Massachusetts [Mr. UNDERHILL] and the assurance given by the gentleman from Georgia [Mr. EDWARDS], but I state that all of these bills returning forfeited bonds, or other bail bonds or surety bonds or fidelity bonds, are going to be very carefully scrutinized, and this is not a matter of criticism of the committee at all.

Mr. EDWARDS. I would not have introduced the bill if it had not been a clean transaction.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$978.00 to Abe Tenenbaum, attorney for R. Bluestein, Savannah, Ga., which sum represents the loss sustained by the said R. Bluestein on the bail bond of Frank Holmes, who was afterwards captured and returned to the United States officers by the said R. Bluestein; record of said estreatment of bond

is shown in report of clerk of the United States Court, L. M. Erwin, at Macon, Ga., January 20, 1925.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN STEAM TUG "W. S. HOLBROOK"

The next business on the Private Calendar was the bill (S. 2516) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I ask that the bill be passed over for the day.

The SPEAKER pro tempore. The Chair suggests that we are considering bills where only objections are in order, and that it does not change the condition of the program by objecting.

Mr. HUDSON. I object.

Mr. UNDERHILL. Mr. Speaker, this is simply another one of those bills which do not come within the provisions of the admiralty law. No exception should be made in this case when no exception has been made in other cases.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. I object.

COAST TRANSIT DIVISION BARGE "NO. 4"

The next business on the Private Calendar was the bill (S. 2586) for the relief of the owner of the Coast Transit Division barge *No. 4*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I object.

ANITA W. DYER

The next business on the Private Calendar was the bill (H. R. 10536) granting six months' pay to Anita W. Dyer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, here is a bill where for an ensign we allow six months' pay to the mother.

Mr. VINSON of Georgia. Under the law they are entitled to six months' gratuity pay. This is simply designating the beneficiary.

Mr. HUDSON. Mr. Speaker, I shall finally object to the consideration of this bill.

Mr. VINSON of Georgia. If the gentleman will permit me one moment, I would like to make a statement.

Mr. HUDSON. I shall be glad to.

Mr. VINSON of Georgia. I trust the gentleman from Michigan will not interpose an objection to this bill, for the simple reason that under the act which has been in existence for some time every enlisted man or officer of the Navy and Marine Corps is permitted to designate his beneficiary, and when they die their beneficiaries who are dependent upon them are given six months' pay. In this case this ensign died in line of duty. He failed to designate his beneficiary.

Mr. HUDSON. Here is a policy of one committee as to members of the Navy, and their private bills affecting the Navy are brought in here. Another committee, representing another branch of the military service, refuses to bring out bills of that kind. I decline to be a party to such a policy.

Mr. VINSON of Georgia. The law is this:

Any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death.

That is the law. In this case the ensign had a perfect right to designate whom he cared to be his beneficiary, if they were dependent on him. But in this case he failed to designate his mother as his beneficiary and therefore we are simply seeking to comply with the general statute. She must prove that she was dependent.

Mr. HUDSON. The Navy Department is opposed to this.

Mr. VINSON of Georgia. Yes. The trouble is this man did not designate anybody. If his mother was dependent, she would under the law be entitled, provided she were designated. The only trouble in this case is that he did not designate his mother. We have passed many cases of this kind.

Mr. HUDSON. That does not meet the objection, because when we attempt to be complimentary to the Committee on Naval Affairs we are not doing justice.

Mr. VINSON of Georgia. We are following the law.

Mr. HALE. The Committee on Naval Affairs has recognized the situation which exists, and only recently reported out favorably general legislation to take care of these cases, of which there are a great many, and to meet which we have passed half a dozen bills this afternoon. This legislation is not retroactive.

Mr. SPEAKS. This is not a question for the Secretary of the Navy to decide. It is the duty of Congress to determine what shall be done. That is why this bill is on the calendar.

Mr. COLLIER. That is the reason why the Navy Department objected to it.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1928," to Anita W. Dyer, dependent mother of the late Ensign William Lansdale Dyer, United States Navy, who died on board the U. S. S. *Relief* February 20, 1927, an amount equal to six months' pay at the rate said Ensign William Lansdale Dyer was entitled to receive at the date of his death.

With a committee amendment as follows:

Page 1, line 10, after the word "death," strike out the period, insert a colon and the following: "Provided, That the said Anita W. Dyer establishes to the satisfaction of the Secretary of the Navy the fact that she was dependent upon her son, the late William Lansdale Dyer, at the time of his death."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RADIO DEVELOPMENT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short address I delivered over the radio last night upon radio development.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, under leave granted to do so, I extend my remarks by inserting herewith an address delivered by me over radio station WFFF, Washington, D. C., on the evening of April 20, 1928, as follows:

There is no art or industry in which there has been such a rapid and startling development as in radio, and yet we are now only on the threshold of radio discovery and use. We can but contemplate its future potentialities. Radio may be said to have had its beginning 25 or 30 years ago. Even then anyone prophesying the present development of the art would have been deemed to be a fit subject for a lunatic asylum. However, in the light of the varied and marvelous radio development, people have practically ceased to question any possibility. An interesting fact is that amateurs have played a large part in this development.

BROADCASTING

While broadcasting is now regarded as a relatively unimportant feature of radio science and industry, yet it is the feature with which the public generally come in most direct contact and in which they therefore take the most interest.

The first broadcasting station was established in 1921. On January 1, 1922, there were only seven broadcasting stations. However, the number of stations thereafter grew rapidly until now there are approximately 700 radiobroadcasting stations in the United States. Since that time the American people have expended nearly \$2,000,000,000 for radio receiving sets and parts. For the past three years the American people have been purchasing receiving sets and parts to the extent of nearly \$500,000,000 per annum. Of course, many of the older sets have become obsolete and been discarded; but it is estimated that there are now in American homes about 7,500,000 radio receiving sets representing a cost of more than a billion dollars, and that the radio audience—that is, the number of people listening to sets now in use—number about 35,000,000.

The National Association of Broadcasters places the value of the existing broadcasting stations at approximately \$19,500,000. This valuation includes transmitting apparatus, radio towers, studios, radio furnishings, and all the equipment which goes with transmitting stations. The value of the transmitting apparatus alone is probably near \$7,000,000. It will be noted that the investment in receiving sets is more than a hundred times as much as the investment in broadcasting stations.

While it is considered that some form of radio transmission may be employed on a range from 1 meter to 15,000 meters, yet the range assigned for broadcasting is 200 to 550 meters. The range of 150 to 200 meters is reserved for the amateurs. The other channels are assigned to the Government service, ship and ship to shore service, national and international commercial service, and experimental work.

Within the range assigned for broadcasting there are 95 available wave lengths or channels. By agreement between the United States and Canada 6 of these wave lengths have been exclusively assigned to Canada, 9 wave lengths are shared between the United States and Canada, and 80 exclusive wave lengths are assigned for use in the United States. The broadcasting assignment is differently described by a range of from 550 to 1,500 kilocycles. There is a 10-kilocycle separation between each two adjoining wave lengths, any closer separation being impracticable under the present state of the art. Channels are being described more and more in terms of kilocycles rather than meters, and it is likely that in such description the term kilocycle will in time wholly supersede that of meters. Scientific definitions of wave lengths, kilocycles, and meters are but little more intelligible to the layman than the terms themselves.

Radiobroadcasting has been in a very unsatisfactory condition, particularly during the past two or three years. This has largely been due to the unscientific broadcast structure. This situation was largely due to the fact that it had just grown up with the result that many channels were overcrowded, high-powered stations frequently being placed on the same wave length with low-powered stations, stations in close proximity to each other being placed on the same channel, far too many stations being congregated in certain areas, and other unfavorable situations existing. However, this confused and unsatisfactory condition was undoubtedly produced in large measure by discrimination against many stations and sections and in favor of other stations and sections. Monopoly stations have been favored beyond measure. The high power which some of them have been granted has largely contributed to the blanketing and heterodyning which has played such havoc with radiobroadcasting and reception. One of the radio commissioners stated at the recent hearings that 90 per cent of the stations in this country were heterodyned. Heterodyning may be described as the interference created by the ether waves set in motion by broadcasting apparatus, resulting in howls, whistles, screeches, and other outlandish noises in a receiving set. In this connection it should be borne in mind that such ether waves extend ten times as far as the audible program broadcast by the station in question.

RADIO LEGISLATION

The first measure dealing with the subject of radio was enacted by the Congress in 1912. Radio was then in its infancy and naturally the lawmakers did not contemplate the present-day problems. The need of new legislation on the subject was apparent, and various efforts to enact such legislation were made; but such attempts were thwarted by the opposition and activities of the Radio Trust. During the last Congress the House and the Senate passed different radio bills.

The radio monopoly was very much opposed to the Senate bill and opposed to features of the House bill. Both bills were sent to conference. There finally emerged from conference a bill different in many important respects from both the House and Senate bills, and the conference report bill after much opposition was finally adopted and approved. It was the only radio bill of a general nature which had had the approval of the radio monopoly. Subsequent events have vindicated my criticism of features of that bill and my predictions as to what would result.

The Radio Commission created by said act, instead of improving the unsatisfactory situation, made it worse. Their favoritism to the Radio Trust and their unfair discrimination against whole sections of the country were such that there arose a demand for fair play. This resulted in the recent enactment of amendments to the radio law, including the "equalization amendment" directing the commission to make an equal allocation of broadcasting stations, wave lengths, periods of time for operation, and station power among the different radio zones, and directing a fair and equitable distribution among the different States within each zone. It is to be hoped that the Federal Radio Commission will carry out this plain legislative mandate, the spirit and purpose of which were clearly and forcibly expressed by the Representatives of the people in the Halls of Congress.

The purpose of this equalization amendment is constructive. It is devoutly hoped that the Radio Commission, under the authority and direction thus given them, will make such a fair and scientific realloca-

tion of broadcasting facilities that the citizens throughout this country can satisfactorily hear the programs which they desire to hear and tune out those which they do not desire to hear. No broadcasting station should be aided by the Government in projecting its program into a home where it is not wanted; on the other hand the desired radio guest should be permitted to enter.

OTHER BRANCHES OF RADIO INDUSTRY

I have chiefly discussed radiobroadcasting. However, there are other very important developments and uses of radio.

It embraces one of the most useful and one of the most rapidly developing means of international communication service. Long-distance radiotelephony is an important development. Citizens in this country are now successfully carrying on conversations by radio with citizens on the other side of the Atlantic.

Through radio Arctic explorers keep in daily communication with this country.

Photos of men and events are being daily transmitted by radio across the continent and across the seas. Commercial pictoradiogram services are firmly established. Facsimiles of written documents are thus being transmitted. A citizen of the United States temporarily in Paris recently transmitted by radio to the proper officials of a State in this country his petition and signature for qualification as a candidate.

Television is already with us. Perhaps the time is not far distant when we can sit in our homes and see and hear a play transmitted by radio.

It has been fully demonstrated that ships, airplanes, and other mobile carriers may be successfully directed by radio.

The radio compass is being successfully and usefully employed on ships.

Successful experiments have been made with beam or directional radio transmission. Secret messages by radio are possible.

Another feature of radio which is even now important but destined to become very much more important and valuable is wired radio. This is not only being widely used in commercial communication transmission but also in connection with broadcasting. Chain programs are now transmitted to the various broadcasting stations over telephone wires, and in turn broadcast by the respective broadcasting stations.

Some enterprising hotels have receiving sets in every room.

Broadcast programs can be transmitted direct from the station into the homes over telephone or electric-light wires. In at least two cities such service over the electric-light wires is now in successful operation. A simple receiving apparatus is screwed into the electric-light socket. It is said that under such a system there is an entire absence of static, interference, fading, day and night effects, and seasonal changes. In my opinion such system is destined to come into general use, particularly in cities.

RADIO IN WAR

Radio is important, and will soon be regarded as essential in times of peace, but in future it will be imperative in times of war.

Radio played a considerable part in the last war, but it will play an infinitely greater part in any future wars.

The Navy Department says that the effective direction of the United States fleets is dependent upon radio communication. The War Department states that "radio communication is the very lifeblood of aviation."

A WARNING

I have undertaken to give some indication of the vast possibilities for good in radio. Its potentialities for evil are quite as great.

There must be careful governmental control and supervision over an instrumentality of such vast and varied possibilities for good or evil. The responsibility rests upon the Government to see that the interests of all the people are protected.

Monopoly constitutes the greatest menace to freedom of the air and a fair and proper use of the radio art. There already exists a powerful Radio Trust, with billions of dollars in assets, which is practically dominating every branch of the radio industry. It is imperative that effective steps be taken to break up this monopoly. All the people are entitled to the use of the air, and they should see to it that their rights therein are fully preserved and protected, and that individual citizens or corporations shall be permitted to use the air only in the interest of the people and not against their best interests. Full freedom of the air and the use thereof in the public interest can only be maintained by eternal vigilance on the part of the people and patriotic service by their Representatives in Congress, and by a fearless administration and enforcement of the laws enacted for the public protection.

J. A. PERRY

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that H. R. 4489, No. 482 on the Private Calendar, be returned to the Committee on Claims, it having inadvertently been placed on the calendar.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to rerefer H. R. 4489 to the Committee on Claims. Is there objection?

There was no objection.

ROBERT STANLEY ROBERTSON, JR.

The next business on the Private Calendar was the bill (H. R. 4598) for the relief of Robert Stanley Robertson, jr.

The Clerk read the title of the bill?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that Senate bill 1377 be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that Senate bill 1377 be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Lieut. Robert Stanley Robertson, jr., United States Navy, a lieutenant commander on the retired list of the Navy, with pay and allowances of the fourth pay period, as now prescribed under existing laws, and with credit for all service which he is now entitled to count in the computation of his pay: *Provided*, That nothing contained herein shall entitle Lieut. Robert Stanley Robertson, jr., United States Navy, to any back pay or allowances.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RALPH OLE WRIGHT

The next business on the Private Calendar was the bill (H. R. 5910) for the relief of Ralph Ole Wright and Varina Belle Wright.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph Ole Wright and Varina Belle Wright, the parents of Ralph Atkinson Wright, deceased, who, while serving as a seaman, second class, at the United States naval training station at Great Lakes, Ill., while in the performance of his duty at the radio station at Great Lakes, Ill., without any fault of his own, on June 15, 1922, met his death from electric shock by coming in contact with the high-tension switches on the switchboard in basement of building No. 63, at the United States naval training station, Great Lakes, Ill., in use as a transmitting and receiving radio station, the sum of \$10,000, said sum to be in full settlement of the claim.

With the following committee amendments:

On page 2, in line 8, strike out the sign and figures "\$10,000" and insert in lieu thereof the sign and figures "\$2,500."

In line 8, after the word "in," strike out the words "full settlement of the claim" and insert in lieu thereof the words "lieu of pension."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BYRON BROWN RALSTON

The next business on the Private Calendar was the bill (H. R. 5968) for the relief of Byron Brown Ralston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Byron Brown Ralston, formerly lieutenant commander in the United States Navy, a lieutenant commander in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on April 15, 1927: *Provided*, That a duly constituted naval retiring board finds that the said Byron Brown Ralston incurred physical disability incident to the service while on the active

list of the Navy: *Provided further*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. ROY KNABENSHUE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the proceedings whereby House bill 11764 was passed may be vacated, so that we may correct the title to conform with the text.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the proceedings whereby House bill 11764 was passed be vacated. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I desire to call attention to the fact that in the committee amendment the name is "A. Roy Knabenshue," while in the title it is "Roy A. Knabenshue." I ask unanimous consent that the title may be corrected to conform with the text and that the bill be passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

U. R. WEBB

The next business on the Private Calendar was the bill (H. R. 4101) for the relief of U. R. Webb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I would like to ask the gentlewoman from California as to the amount of relief here granted. I know we have compensated various officials of the Government who lost their property in Yokohama at the time of the earthquake, but here the amount is \$6,534.

Mr. HALE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HALE. In the hearings the amount was checked up and a list of articles lost was submitted by the Navy Department and the representative of the Navy Department in response to my inquiry about the very same point which the gentleman raises stated that the Navy Department was satisfied that the amount is correct and accurate.

Mr. LAGUARDIA. He must have been a very prosperous naval officer.

Mrs. KAHN. All of his household effects were lost and everything belonging to himself and wife, including many things which they had collected for a number of years, and, of course, his uniforms were lost.

Mr. LAGUARDIA. If the committee has gone into it thoroughly, that satisfies me.

Mr. HALE. Not only the committee but the department has gone into the matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to U. R. Webb, commander, Medical Corps, United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of \$6,534, in reimbursement for the loss by earthquake and fire of personal property in Yokohama, Japan, while he was serving as commanding officer of the United States Naval Hospital at Yokohama, Japan.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WENDELL M. SAUNDERS

The next business on the Private Calendar was the bill (H. R. 1957) for the relief of Wendell M. Saunders.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby authorized to summon Wendell M. Saunders, late ensign of the United States Naval Reserve, before a retiring board for the purpose of a hearing of his case, and inquire into and determine all

the facts touching on the nature of his disabilities, and to find and report the disability which, in its judgment, has produced his incapacity, and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Wendell M. Saunders, an ensign in the United States Naval Reserve, and place him immediately thereafter upon the retired list of the Navy, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the regular Navy: *Provided*, That the said Wendell M. Saunders shall not be entitled to any back pay or allowances by the passage of this act.

Mr. HALE. Mr. Speaker, there are two committee amendments which the committee voted to report to correct clerical errors in the bill, which somehow or other were inadvertently omitted in the report, and I now offer them. The first is in line 12, page 1, strike out the word "either"; and the second is, in line 13, page 1, strike out the comma after the word "Saunders" and insert the words "was appointed."

The SPEAKER pro tempore. The gentleman from New Hampshire offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HALE: On page 1, line 12, strike out the word "either"; and in line 13, after the word "Saunders," strike out the comma and insert "was appointed."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK DIXON

The next business on the Private Calendar was the bill (S. 1848) for the relief of Frank Dixon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Dixon, of Dunkirk, Ind., dependent father of Floyd Dixon, late electrician's mate, third class, United States Navy, the sum of \$360, as six months' gratuity pay, which amount would have been paid by act of Congress approved June 4, 1920, but for the omission, through ignorance or error, of his son to designate a proper beneficiary before he was killed in the performance of service duty: *Provided*, That the said Frank Dixon establishes to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, the said Floyd Dixon, at the time of the latter's death.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALE OF LAND IN LOUISIANA

The next business on the Private Calendar was the bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow the Investors Mortgage Co., of New Orleans, La., to purchase at private sale, at the rate of \$1.25 per acre, section 58 in township 12 south of range 14 east, Louisiana meridian, Louisiana.

With the following committee amendments:

Line 4, strike out "Investors Mortgage Co., of New Orleans, La.," and insert in lieu thereof "persons or corporation, in possession and having the bona fide equitable ownership thereof."

Line 7, strike out the period at the end of the line, insert a comma, and add "containing 39.80 acres."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ST. JOSEPH'S ROMAN CATHOLIC CHURCH, BATON ROUGE, LA.

The next business on the Private Calendar was the bill (H. R. 12041) granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church of the city of Baton Rouge, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. TARVER. I object.

Mr. LAGUARDIA. Will the gentleman withhold his objection?

Mr. TARVER. Yes.

Mr. LAGUARDIA. We had a bill the other day on the Consent Calendar covering contiguous land, giving it back to the university, this being a public institution. This is a part of the same land.

Mr. TARVER. I have read the bill and the report of the committee and am familiar with it. It appears that the United States has a reversionary interest in and to this land. It appears that the adjoining tract has been donated to public usage in connection with an agricultural and mechanical school. I have no objection to the donation of lands for public educational institutions which may be used by any member of the public. But this bill proposes to donate certain property rights of the Government to the Roman Catholic Church for sectarian purposes for the maintenance of a sectarian institution. The amount, I believe, is small, but the principle, however, is large, and in my judgment no donation should be made of Government property to any church for any sectarian purpose.

Mr. LAGUARDIA. That is not the policy that the House has followed. There are hundreds of precedents to the contrary.

Mr. TARVER. For one I object to the passage of a measure that I consider to be antagonistic to the spirit of the Constitution of the United States, and I shall feel constrained to exercise my privilege.

Mr. KEMP. May I ask the gentleman to reserve his objection?

Mr. TARVER. I will reserve it.

Mr. KEMP. I am familiar with the whole situation. If the gentleman will permit an explanation of the facts, I think he will withdraw his objection. This institution has a corporate title of the Congregation of the Roman Catholic Church of East Baton Rouge, La. It involves only 2½ acres. Congress granted to this Roman Catholic congregation this 2½ acres of land in 1890. I will say in that connection that this was the burial ground for over 100 years prior to that time. By another act of Congress in 1892 the use of this land was made to include charitable and educational purposes, and the only claim that the Government reserved in this land was that in the event it should be needed for military purposes it should be used by the Government for that purpose.

I wish to call the attention of the gentleman from Georgia to this language: Here is a grant from the Congress of the United States of this 2½ acres of land which is to be used as a burial ground and for educational purposes. It has been so used for over a hundred years. Here is the grant of Congress—

Mr. HUDSON. Mr. Speaker, unless the gentleman is going to withdraw his objection, I demand the regular order.

Mr. KEMP. Mr. Speaker, this is an important matter. It is the last bill to be called to-day, as I understand it.

Mr. TARVER. I am familiar with the facts in the case.

Mr. KEMP. I think possibly I could give the gentleman some additional facts. The Government has no title to this land at the present time. The Government has only a reversionary interest in the event that the Secretary of War deems it necessary—

Mr. HUDSON. Mr. Speaker, if the gentleman is going to insist upon his point of order, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. TARVER. Mr. Speaker, I object.

MICHAEL J. BAUMAN

The next business on the Private Calendar was the bill (H. R. 2817) for the relief of Michael J. Bauman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, under the unanimous-consent agreement, I gave notice some time ago that I would object to all bills after No. 469 on the calendar. The bill just called is 470 on the calendar.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman reserve that? It is only 25 minutes after 3 o'clock. I know that the gentleman stated his position clearly at the beginning of the consideration of this calendar, but, after all, this is the Private Calendar. The reports accompany the bills. There are many bills where justice could be done to men who have been denied justice for a long time, and they are clamoring for it to-day. I have one bill on this calendar of the case of a poor fellow who had been under a stigma since 1898 for an insignificant bagatelle. He wants to go to a hospital, but be-

cause of that stigma he can not go. There are other meritorious bills. I think we should go on until 5 o'clock.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. TILSON. Is it the intention of the gentleman from North Carolina to object to bills from this point on?

Mr. WARREN. It is.

Mr. TILSON. The gentleman has that right. Under the agreement entered into any Member has the right to object to bills. It is worse than futile, however, to go on under the circumstances. It would be really unfair to bills that are on the calendar to call them and have them objected to indiscriminately. Therefore, I shall move to adjourn.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I did not quite understand the latter part of the gentleman's statement with reference to its being unfair to proceed with the consideration of this calendar.

Mr. TILSON. The gentleman from North Carolina says that he is going to object to every bill that is called from now on to-day, and I deem it unfair to have bills called in this way and have them objected to.

Mr. O'CONNOR of Louisiana. The gentleman is quite correct.

Mr. WARREN. I do that because I have not had an opportunity to read the bills and the reports.

Mr. TILSON. We understand the gentleman's position.

Mr. DICKINSON of Missouri. When will we take up the Private Calendar again?

Mr. TILSON. I shall avail myself of every reasonable opportunity to get consideration for the Private Calendar and utilize such time as comes to us for that purpose. I can not make a promise now as to any certain time.

Mr. DICKINSON of Missouri. Probably at an early date?

Mr. TILSON. Just as early as we can conveniently.

Mr. CHINDBLOM. And the gentleman's statement is in the nature of a notice to all of us to be prepared for such an emergency.

Mr. TILSON. I wish that Members would be prepared to go on with these bills at any time.

MR. OLDFIELD

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Arkansas [Mr. OLDFIELD], the whip on the Democratic side, has just had to submit to an operation. He will be absent from the House, and I ask unanimous consent that he may have indefinite leave of absence on account of illness.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. TILSON. Mr. Speaker, may I inquire of the gentleman from Tennessee in regard to the condition of Mr. OLDFIELD? All of the Members of the House are very deeply concerned over his condition.

Mr. GARRETT of Tennessee. He was operated upon at 11.30 o'clock this morning. We do not know yet how serious it is.

Mr. TILSON. I know that I speak the sentiments of all Members when I wish for him a complete and speedy recovery.

SHOSHONE AND ARAPAHOE INDIANS OF WYOMING

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3366) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from the funds held in trust for them by the United States, which is identical with the House bill that has been unanimously reported by the Committee on Indian Affairs, and consider the same at this time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much of the money credited to the Shoshone and Arapahoe Indians of Wyoming under the act of August 21, 1916 (39 Stat. 519), as may be necessary to make a \$25 per capita payment to said Indians, and to pay or distribute the same to all recognized members of the tribes under such rules and regulations as may be prescribed.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11365) was laid on the table.

ST. JOSEPH ROMAN CATHOLIC CHURCH, OF BATON ROUGE, LA.

Mr. KEMP. Mr. Speaker, I ask unanimous consent to return to Calendar No. 469, H. R. 12041, granting certain lands to the Roman Catholic Congregation of St. Joseph's Roman Catholic Church, of the city of Baton Rouge, La.

Mr. TILSON. Is this a bill that was passed without prejudice?

Mr. KEMP. No; it was the last bill under consideration.

Mr. TILSON. Has the objection been withdrawn to it?

Mr. KEMP. The objection has not been actually withdrawn, but the gentleman who made the objection has withdrawn from the Chamber.

The SPEAKER pro tempore. The Chair would not feel warranted in recognizing the gentleman from Louisiana to ask unanimous consent to take this bill up at this time under those circumstances.

Mr. TILSON. If the gentleman who objected to it has left the Chamber, then it should not be called up.

Mr. KEMP. But the gentleman who objected to it has withdrawn from the Chamber with the idea of letting the bill be passed.

The SPEAKER pro tempore. The Chair does not think he should recognize the gentleman for that purpose at this time.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until Monday, April 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, April 23, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA (10.30 a. m.)

To authorize the merger of street railway corporations operating in the District of Columbia (H. J. Res. 276).

EXECUTIVE COMMUNICATIONS, ETC.

458. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting deficiency estimate of appropriation for the Department of State for the fiscal year 1927, amounting to \$1,293.80, and supplemental estimates of appropriations for the fiscal years 1928 and 1929, amounting to \$96.50; in all, \$1,390.30 (H. Doc. No. 237), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on the District of Columbia. H. R. 12896. A bill to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; with amendment (Rept. No. 1357). Referred to the Committee of the Whole House on the State of the Union.

Mr. LETTS: Committee on Indian Affairs. H. R. 7204. A bill to authorize the creation of Indian trust estates, and for other purposes; with amendment (Rept. No. 1358). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 12697. A bill to amend the Code of Laws of the District of Columbia relating to interest and usury; without amendment (Rept. No. 1359). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 13117. A bill to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries, and for other purposes; without amendment (Rept. No. 1360). Referred to the House Calendar.

Mr. REED of New York: Committee on Education. H. J. Res. 184. A joint resolution designating May 1 as child health day; with amendment (Rept. No. 1361). Referred to the House Calendar.

Mr. McSWEENEY: Committee on Agriculture. H. R. 12878. A bill to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to

secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; without amendment (Rept. No. 1363). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. S. 1387. An act for the relief of J. W. Anderson; without amendment (Rept. No. 1350). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 379. An act for the relief of William R. Boyce & Son; with amendment (Rept. No. 1351). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 764. An act for the relief of J. F. Nichols; without amendment (Rept. No. 1352). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. S. 1691. An act for the relief of William A. Light; without amendment (Rept. No. 1353). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2227. An act for the relief of F. L. Campbell; without amendment (Rept. No. 1354). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2697. An act for the relief of Hattie M. McMahon; without amendment (Rept. No. 1355). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 9943. A bill for the relief of Sawyer Motor Co.; without amendment (Rept. No. 1356). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. S. 620. An act for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas; without amendment (Rept. No. 1362). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes; Committee on the District of Columbia discharged, and referred to the Committee on the Judiciary.

A bill (H. R. 9762) to regulate the commitment to and discharge from St. Elizabeths Hospital of persons certified by heads of departments and establishments; Committee on the District of Columbia discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. CHALMERS: A bill (H. R. 13240) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska; to the Committee on the Territories.

By Mr. SMITH: A bill (H. R. 13241) to amend the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes," approved January 12, 1927; to the Committee on Irrigation and Reclamation.

By Mr. ELLIOTT: A bill (H. R. 13242) to provide a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

By Mr. MAPES: A bill (H. R. 13243) to exempt veterans of the World War from payment of the fee for the issuance of a passport; to the Committee on Foreign Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 13244) to make chiefs and assistant chiefs of branches of the Army eligible for appointment as general officers of the line; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 13245) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13246) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13247) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 13248) to authorize an increase in the limit of cost of one fleet submarine; to the Committee on Naval Affairs.

Also, a bill (H. R. 13249) to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 13250) to authorize the Secretary of War to fix the percentages of enlisted men of the Army in the sixth and seventh grades, and for other purposes; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; to the Committee on Education.

By Mr. RAGON: A bill (H. R. 13252) authorizing the attendance of the Marine Band at the Confederate veterans' reunion at Little Rock, Ark.; to the Committee on Naval Affairs.

By Mr. CELLER (by request): Joint resolution (H. J. Res. 280) providing for the renunciation of war as an instrument of national policy and the settlement of international disputes by arbitration or conciliation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKBEE: A bill (H. R. 13253) granting an increase of pension to Mary I. Harwig; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 13254) for the relief of James W. Shaw; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 13255) granting a pension to Annie B. King; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 13256) granting an increase of pension to Melissa Sachsenheimer; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 13257) granting an increase of pension to Kate Neal; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office; to the Committee on Agriculture.

By Mr. FULMER: A bill (H. R. 13259) for the relief of the trustees of St. Stephen's Church, of the Evangelical Lutheran Synod of South Carolina, of Lexington, S. C.; to the Committee on War Claims.

By Mr. McKEOWN: A bill (H. R. 13260) for the relief of Josiah Harden; to the Committee on Military Affairs.

By Mr. McSWEENEY: A bill (H. R. 13261) granting a pension to Jennie Messer; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 13262) granting an increase of pension to Alice R. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13263) for the relief of William H. Johns; to the Committee on War Claims.

By Mr. MORROW: A bill (H. R. 13264) granting a pension to James V. Latham; to the Committee on Pensions.

By Mr. SELVIG: A bill (H. R. 13265) granting an increase of pension to Josephine Baumann; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 13266) granting a pension to Berta Weterick; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7073. By Mr. BLOOM: Petition of the delegates to the Conference of Trade-Union Officers of Greater New York, indorsing the postal policy bill (H. R. 89); to the Committee on the Post Office and Post Roads.

7074. By Mr. BUCKBEE: Petition of Lawrence Bollman and 46 other citizens of Whiteside County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7075. Also, petition of J. S. M. Millan and two other citizens of Henderson County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7076. Also, petition of Frank W. Clansen and 14 other citizens of Woodford County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7077. Also, petition of Mrs. J. L. Smith and 17 other citizens of Ogle County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7078. Also, petition of David S. West and 12 other citizens of Madison County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7079. Also, petition of Oscar A. Lathrop and 28 other citizens of Mendota, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7080. Also, petition of T. S. Footer and 12 other citizens of Platt County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7081. Also, petition of F. W. Taylor and 279 other citizens of Chicago, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7082. Also, petition of Edgar Jackson and 25 other citizens of La Salle County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7083. Also, petition of A. E. Warren and 20 other citizens of Centralia, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7084. Also, petition of William W. Alden and 20 other citizens of Byron, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7085. Also, petition of Eunice M. Russell and 31 other citizens of Alton, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7086. Also, petition of Marion J. Reed and 26 other citizens of Kewanee, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7087. Also, petition of Harold D. Keyes and 23 other citizens of Will County, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7088. Also, petition of Clarence Peterson and 20 other citizens of Rockford, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7089. Also, petition of M. E. Post and 71 other citizens of Quincy, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7090. Also, petition of Paul B. Stamper and 43 other citizens of Virden, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7091. Also, petition of W. E. Patterson and 39 other citizens of La Harpe, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7092. Also, petition of F. M. Witwer and 27 other citizens of Champaign County, Ill., praying for immediate national flood-control relief; to the Committee on Flood Control.

7093. Also, petition of Mead H. Lee and 43 other citizens of Chana, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7094. Also, petition of S. J. McFarren and 23 other citizens of Oregon, Ill., praying for immediate consideration of national flood-control relief; to the Committee on Flood Control.

7095. By Mr. CANNON: Petition of A. H. Bottermuller and other citizens of Warren County, Mo., favoring an increase of pension of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7096. Also, petition of Julius E. Hecht and other citizens of Franklin County, Mo., favoring an increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7097. By Mr. CELLER: Petition of Central Union Label Co., of the State of New York, urging the passage of House bill 25; to the Committee on the Civil Service.

7098. Also, petition of Central Union Label Co., of the State of New York, urging the passage of House bill 89; to the Committee on the Post Office and Post Roads.

7099. Also, petition of American Legion of the State of New York, urging the passage of the flood control bill; to the Committee on Flood Control.

7100. Also, petition of New York State Soldiers and Sailors' Home, proposing transfer of the State camp for veterans to the United States Government; to the Committee on World War Veterans' Legislation.

7101. Also, petition of Allied Veterans' Council, United States Hospital, No. 98, of the State of New York, urging more compensation and better treatment for tuberculous veterans in

hospitals; to the Committee on World War Veterans' Legislation.

7102. Also, petition of League of Nations Nonpartisan Association, Brooklyn Division, on the Capper resolution; to the Committee on Foreign Affairs.

7103. By Mr. CONNOLLY of Pennsylvania: Memorial of the Philadelphia Board of Trade, protesting against passage of the bill (H. R. 8127) to provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government, and for other purposes; to the Committee on Expenditures in the Executive Departments.

7104. By Mr. CULLEN: Resolution of Mansfield Dakin Post, No. 35, urging passage of legislation for relief of aged veterans; to the Committee on Invalid Pensions.

7105. By Mr. DEMPSEY: Petition of citizens of Barker and Appleton, N. Y., favoring the Sprout bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7106. By Mr. ENGLEBRIGHT: Petition of Merle F. Hughes and other citizens of Columbia, Calif., urging increase of pensions for Civil War veterans; to the Committee on Invalid Pensions.

7107. By Mr. HAWLEY: Petition of residents of Newberg, Oreg., requesting increases in pensions to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

7108. By Mr. MORROW: Petition of Western Fruit Jobbers' Association of America, at twenty-fourth annual meeting, protesting against further restriction of Mexican labor and protesting against Box bill; to the Committee on Immigration and Naturalization.

7109. By Mr. O'CONNELL: Petition of the board of visitors, State Camp for Veterans, protesting against the passage of the Stalker bill (H. R. 12204) providing for the transfer of the State Camp for Veterans to the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

7110. By Mr. SELVIG: Resolution of Parent-Teachers' Association of Thief River Falls, Minn., Pearl W. Mabey, secretary, opposing the bill providing for the establishment of a department of education with a secretary in the President's Cabinet; to the Committee on Education.

7111. By Mr. WEAVER: Petition of citizens of Tryon, N. C., for the passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7112. By Mr. WELSH of Pennsylvania: Petition favoring the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

7113. By Mr. WHITE of Kansas: Petitions of L. M. Foster et al., of Dresden, Kans., and Mattie Adams et al., of Ellsworth, Kans., for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.